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The Survivor's Return: Reflections on Memory and Place

Karl A. Plank

Elie Wiesel's Messianism of the Unredeemed

Maurice Friedman

Jewishness and the New York Intellectuals

Edward S. Shapiro

Three Views of Conservative Halakhah

David Ellenson

Gordon Tucker

Walter S. Wurzburger

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JUDAISM

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STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a worldview on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

Judaism will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God." *From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

The First Reader

(Because of the unfortunate illness of the Editor, some of these First Reader comments were written by the Managing Editor.)

You Can Never Go Back To The Same Place

When the Holocaust first burst upon Jewish consciousness at the end of World War II, the initial reaction was one of total silence, stunned, uncomprehending and incapable of expression. It required several years, both for the survivors and the witnesses of the most horrible episode in human history, to be able to confront the Holocaust and to set down their memories and reactions, using every conceivable art form—literary, visual and musical. Today, the printed material on the Holocaust runs into thousands of items.

It is safe to say that our readers will not soon encounter as moving a treatment of the subject as *Karl A. Plank's* piece, "The Survivor's Return: Reflections on Memory and Place." Its philosophic depth and psychological insight are matched by its emotional power and beauty of style.

Joseph, the Viceroy

A son of Jacob and Rachel, Joseph was a Hebrew lad who rose to be Viceroy of Egypt. In the rabbinic tradition, his qualities are emphasized and he emerges as *Yoseph ha-Zaddik*, "Joseph the Righteous." This all-but-universal evaluation of his character is challenged by *Berel Dov Lerner* in his paper, "Joseph the Unrighteous." In it, the author examines Joseph's behavior as viceroy of Egypt, particularly his handling of the Egyptian masses during the period of famine which he had foretold.

The Editor will confess that he has long felt that Joseph's zealous loyalty to Pharaoh's interests, which led first to the impoverishment and then to the enslavement of the people, offers an explanation for the Egyptians' hatred of Joseph's kinsmen in the next generation. More than once in Jewish history, individual Jews served kings and other rulers all too loyally. They—and Jews generally—became the visible objects of oppression for the people, who then vented their anger and hostility upon the entire Jewish community.

The Alienation and Return of the New York Intellectuals

One of the most striking characteristics of mid-century American culture was the emergence of a group of Jewish intellectuals, largely in New York, who, along with a sprinkling of gentiles, presented, in the main, an open-ended adventurous approach to new trends in literature, music and art, and were the heralds of an American cultural renaissance. That most of them were Jews was, of course, obvious, but little attention—and even less insight—was lavished upon their alienation from Jews and Judaism. Generally, it was regarded as simply a process of Americanization.

In his essay, "Jewishness and the New York Intellectuals," *Edward S. Shapiro* describes this process of alienation through some of the major figures in the group, as well as the problems posed for them by the Hitler-Stalin pact, even more so by the Holocaust and the world's silence and, lastly, by the emergence of the State of Israel and the world's indifference. The author emphasizes a factor which we have always regarded as crucial to understanding the alienation of these gifted people—the fact that most of them knew little or nothing of the Jewish heritage that they were ostensibly deserting. He points out, too, that many of them have not yet resolved the tension between their "Jewishness" and "the world."

The Continuum in the Bible

Generally, readers of the Bible tend to conceive of it as a mountain range with valleys between one peak and the next. Creation, The Flood, the Tower of Babel, the Sacrifice of Isaac, the Crossing of the Red Sea and the giving of the Torah at Sinai are the high points of the narrative, each essentially discrete and independent of the others.

A contrary view is proposed by *Bernard Och* in his paper, "Abraham and Moriah—A Journey to Fulfillment." He discerns a continuity from creation through Abraham to Sinai and, thus, there is greater significance in each incident in this movement which culminates at Sinai.

Wiesel's Messianism

The pre-eminent spokesman in our time on the subject of the Holocaust has certainly been Elie Wiesel. His writings, his speeches, his public concerns are abundant proof of this fact.

What is remarkable is that, despite this pre-occupation, Wiesel has not given in to despair, but, instead, has maintained a special kind of messianic hope. This aspect of his message is analyzed by *Maurice Friedman* in "Elie Wiesel's Messianism of the Unredeemed."

Who Will Officiate At The Wedding?

In our day, a fairly large number of Reform rabbis will officiate at weddings involving a Jew and a non-Jew. In his paper, "Reform Attitudes, in the Past, Toward Inter-marriage," *Alan Levenson* describes the stormy history of the Reform rabbinate's attitudes towards intermarriage during Reform's early days in Germany and, later, in the United States. Polemics proliferated on both sides of the question, with the preponderance of the arguments against it. Now, as we know, the situation is quite different.

Dual Loyalty Is Not An Accusation

All too frequently, the accusation of "dual loyalty" has been flung at Jews as though more than one loyalty were synonymous with treason. The accusers always think in monolithic terms and refuse to recognise that humans have a multitude of loyalties besides just their national one: to a religion, to a family or to a great cause. In "Dual Loyalty in a Post-Zionist Era," *David Nathan Myers* presents an analysis in which he distinguishes between the *political* loyalty of any Jew to the government of his country, and the *historico-cultural* loyalty of a Jew to the Jewish nation. Each of these loyalties has rights and obligations which both Jews in the Diaspora and Israeli Jews ought to recognise.

Anti-Semitism in Music?

"Music hath charms to soothe the savage breast" may be true to some extent, but musicians may have attitudes that do much to inflame that same savage breast. In "The Case of Siegfried," *James Sturz* finds sources for Hitler's anti-Semitism not only in Wagner's personal statements, but in the scenarios and characters of his operas.

The Thorny Issue of Halakhah

Frequently, when we ask for a review essay, an author is invited to analyse more than one book on a complex subject. In this issue, we have reversed that procedure and have invited three reviewers to write about

one book. *The Halakhic Process: A Systemic Analysis*, by Prof. Joel Roth is a work which seemed to us to warrant more than one reaction from any single point of view. Accordingly, we asked three experts, *Walter Wurzburger*, *Gordon Tucker* and *David Ellenson*, representing, respectively, the Orthodox, Conservative and Reform standpoints, to present their reactions. Though they differ with the author in some ways, they are unanimous in their praise of Prof. Roth for his contribution to the discussion of halakhah in our time. Their papers appear in alphabetical order.

R.G. and R.B.W.

The Survivor's Return: Reflections on Memory and Place

KARL A. PLANK

I'm on the track of my rights of domicile
this geography of nocturnal countries
where the arms opened for love
hang crucified on the degrees of latitude
groundless in expectation

Nelly Sachs¹

If we will have the wisdom to survive,
to stand like slow-growing trees
on a ruined place . . .

Wendell Berry, "Work Song"²

Memory and Place

A SENSE OF PLACE INHABITS US. LIKE THE migration of natural life, our memory knows a homing, an impulse to belong not only to a time but to a place deeply our own. We remember, as pilgrims seeking in regions of lived experience, the site where healing occurs and truth is imparted: the healing of broken continuities whose rupture has made us strangers in familiar lands; the truth about ourselves, our origin and destination. Once we knew that place in the forest and there we were at home amid the sounds of its prayer and the light of its fire.³ Now we know it no more, except as an absence, a loss which, at odd moments, catches us unaware with sadness or, in sleepless acuity, invades our mind with torment. Yet, loss marks the beginning of memory, and memory, a narrative turn toward that place where we know, if only tacitly, who we are. Memory turns homeward.

In making the past present, recollection runs counter to the unchecked progress of our lives. We live in movement away from home

1. In *The Seeker*, tr. R. Mead, M. Mead, and M. Hamburger (New York: Farrar, Straus and Giroux, 1970), p. 395.

2. In *Collected Poems, 1957–1982*, (San Francisco: North Point, 1985), pp. 187–88.

3. Note the Hasidic narrative recounted by Elie Wiesel as the prologue to *The Gates of the Forest*, tr. F. Frenaye (New York: Schocken, 1982) and in *Souls on Fire*, tr. M. Wiesel (New York: Summit, 1972), pp. 167–68.

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as the passage of time, the growth of experience, and the claim of the contemporary distance our path to places that have vitally identified us in the past. The ties which time obscures, however, memory would recover. No kin to nostalgia, such recollection does not take us back to a lost world, but gives to the past a compelling presence and, to the present, a certain depth. Far from home, we remember a somewhere that gives a sense of situated-ness to what we have found, what we have lost, and what we now seek.

If memory recovers a sense of place, place similarly evokes memory. We not only remember places, but remember *in* a place whose terrain may enhance recollection with the resonance of what has occurred there. Places have echoes. We know them as surely as we perceive the land's scars—unspoken witnesses to a legacy that *here* something happened. For the most part, our recollection is shaped by the strange fusion of different settings. We remember an event not only after its time has passed, but, commonly, in a setting other than where it occurred. The echoes of one place call out to those of another so that, in remembering, we seem to occupy two worlds. Something *here*, a glance, a fragment of a song, a hint of color, evokes something *there* and, for the moment we stand on the bridge of memory.⁴

A special case, however, occurs when we remember *in situ*, when the setting of our memory and the setting of our remembering are one and the same. The return to a site where something happened in our lives affords a depth and concreteness to memory that would not be quite the same anywhere else. At distance, memory may become abstract and distorted by romantic ideals or commitments to certain versions of self.⁵ In return, however, the true particularity of place counters the impulse to nostalgia or self-interest by keeping before us a reality that is other and more than simply our mental construal of it. The landmarks of place have their own force: they prod us to remember aspects of a situation that we may have forgotten; to retrieve hidden memories that may have eluded us; to see with striking vividness signs that distance or familiarity may have obscured.

Seeking renewal, we would return to those places where something precious was found, where our sense of self was awakened in discovery of a world's welcome. We are also identified, however, and more fundamentally claimed, by our locations of loss. Indeed, human experience tends to fuse these settings, for no place lets us simply hold fast what

4. Nelly Sachs, in "Chorus of the Rescued," reflects this potential of the present to evoke memory, even perilously, in the case of the holocaust survivor. She writes, "Be gentle when you teach us to live again / Lest the song of a bird, / Or a pail being filled at the well, / Let our badly sealed pain burst forth again / and carry us away." Collected in *O the Chimneys*, tr. M. Roloff (New York: Farrar, Straus and Giroux, 1967), p. 24.

5. On this problem in the context of Holocaust literature, see Lawrence L. Langer, *Versions of Survival. The Holocaust and the Human Spirit* (Albany: SUNY, 1982).

we have found. Loss is inevitable where life has beckoned at all and the novelty of today's discovery becomes tomorrow's too familiar source of alienation or anguish. The turn homeward, then, is fraught with ambivalence. There we know the constant sources of our growth, but never apart from the sharpest reminders of our finitude and the terrifying poignancy which issues from it.

No place has immunity from the natural dying of all things. We can return to no home without the confrontation of loss and profound ambivalence. But not all of the losses which inhabit a place are natural or simply the function of human finitude. The intrusion of evil in our history has trespassed the private boundaries of land which we have cherished, the intimate places where we came to know our first inklings of hope, where families laughed and cried, where the world hinted at God's mystery. Like unbridled robbers in the night, human agents of destruction have violated the precincts of home, pillaging what was honored within and banishing the rightful residents to a most unnatural exile. Where legions of cruelty have trampled the soil of personal history, we confront not the ambivalence of human finitude, but a more fundamental profanation of space; not the natural loss of particular realities within our domain, but an absolute loss of the ability to be at home at all in that place where once we gathered as a human family. The resulting dilemma is severe: to be at home in the world requires a memory of our origins and, in some sense, a return to the places that have deeply identified us; yet, in the context of evil's radical loss, those very places have become profane and resist any return with the threat of an ominous defilement. How can we return to a ruined place? And how can we not return, if that place has ever been our home?

Landscape of the Shoah: Return to a Ruined Place

Though we witness daily a sad procession of people banished from the natural claim of home by political, racial, and economic oppression, these displaced persons stand in the shadow of an earlier group of exiles whose plight continues to unsettle our notions of dislocation and place. No two victims are ever the same, yet neither are they unrelated. The displaced person in our time bears the spectre of those whose exile led to the death camps of Europe, for there in the *Shoah's* rubble of human ash we know the radical limit of homelessness. When, in the infamous night of shattered glass, Nazi mobs began their violation of Jewish buildings, they lit the torches whose flames, over the next seven years, would consume much more than place.⁶ Where synagogues burn, a people will be robbed of its freedom to reverence life and pursue its

6. *Kristallnacht*, the night of broken glass, occurred throughout Germany during the night of November 9–10, 1938. For discussion of this event see Rita Thalmann and Emmanuel Feinermann, *Crystal Night*, tr. G. Cremonesi (New York: Holocaust Library, 1972).

meaning; where houses are stormed, a people will lose its right to share life intimately and, as family, to nurture its prospect; where hospitals are invaded and crippled children driven out over shards of glass into night's cold, a people will be separated from its power to protect life and sustain its humanness;⁷ where cemeteries are desecrated, a people will be deprived of its place in history, denied its guardianship of a past and intention of a future. Such violation of place is, always, a sacrilege of person. As in 1938 and its aftermath, to say you have no right to be in this place means finally you have no right to be. The uprooting from home foreshadows an exile from life itself, a captive dwelling in the very domain of death.⁸ *Lebensraum* requires *Sterbensraum*.

Survivors of the *Shoah* face an unending ordeal in even contemplating return to that ruined place where death made its home. For that place, be it the village from which they were torn or the black landscape of the chimney's shadow, continues to banish them long after treaty and liberation have taken effect. By force of even its single instance the act of atrocity sets in motion a profanity that lingers in the land, an ever-present reminder that, with the six million, had vanished the very sense of home that return would seek. If place and memory could be kept apart, perhaps, then, one might return in peace; but, precisely, because they cannot, return affects remembrance and remembrance warns that, in this place, one can never be whole again. The memory of an unholy presence exposes the taboo which haunts ruined places: can one see what happened here and live?

7. Michael Bruce, a non-Jewish eyewitness of the pogromic events in Berlin, provides the following account: "The object of the mob's hate was a hospital for sick Jewish children, many of them cripples or consumptives. In minutes the windows had been smashed and the doors forced. When we arrived the swine were driving the wee mites out over the broken glass, bare-footed and wearing nothing but their nightshirts." Cited in Leonard Baker, *Days of Sorrow and Pain* (New York: Oxford, 1978), pp. 231–32.

8. As such, the Nazi "Final Solution" preys on the already precarious finitude of human existence in space and time. As the Protestant theologian, Paul Tillich, noted, "Without space there is neither presence nor a present. And, conversely, the loss of space includes the loss of temporal presence, the loss of the present, the loss of being (*Systematic Theology* [Chicago: University of Chicago, 1973], I:195). Tillich's insight aptly reminds that not only is the loss of either time or space thoroughly reflexive, but also tantamount to death. He cites with sober recognition the author of Job who employed precisely an image of spatial estrangement to express the reality of death: "he who goes down to Sheol does not come up; he returns no more to his house, nor does his place know him any more" (Job 7:9–10; Tillich, I:195). We should be wary of Tillich's perspective, however, in this one sense. For Tillich, the loss of space is simply symptomatic of the conditions of human finitude that imply the self's anxiety, ambiguity, and insecurity. This naturally given threat to human space must be distinguished, though, from the utterly manipulation of that condition—as in the *Shoah*—which not only magnifies the existential crisis beyond all manageable proportion, but fundamentally estranges its victims from the very activity of affirming meaning in the midst of loss. On Tillich and the holocaust, see Albert H. Friedlander, "A Final Conversation with Paul Tillich," in *Out of the Whirlwind. A Reader of Holocaust Literature*, ed. A. Friedlander (New York: Schocken, 1976), pp. 515–521.

Still, survivors have returned and testified. In narrative, film, and essay they have made known to us the ordeal of return and something of its significance. Their testimony varies as do their situations: a survivor of Auschwitz returns to the Transylvanian village of his birth where home vanished forever in the dawning of night;⁹ a forty-seven year-old Israeli, one of two survivors of Chelmno, returns to that place along the Narew River where SS guards forced him to sing for their entertainment as they were murdering some four hundred thousand Jews;¹⁰ in September, 1953 the most prominent of Jewish thinkers, a survivor not of the camps, but of the diaspora, returns to Frankfurt where once he taught at University and *Lehrhaus* and now must speak a word of prophecy;¹¹ a daughter of the next generation returns to Germany where her father, a "brand plucked from the fire," had written eloquently of the prophets and of the Rambam, and there she risks a holy prayer in that profane place.¹²

The words of those who have returned instruct us in our remembrance and challenge our deeds for tomorrow. With the poet, they remind us that "An awful clarification occurs where a place was."¹³ Prophetically, their chronicle warns us that, with the *Shoah*, we remember more than an interruption of history, for the shattering of the links which bridge past, present, and future ever involves a deep estrangement from place and a robbery of the very sense of home.¹⁴ The pros-

9. See the writings of Elie Wiesel which reflect upon his returns to Sighet: "The Last Return," in *Legends of Our Time* (New York: Schocken, 1982), pp. 110–130; and, "A House of Strangers," in *A Jew Today* (New York: Vintage, 1978), pp. 66–72. See also Wiesel's *The Town Beyond the Wall* (New York: Schocken, 1982), a fictional probing of the dynamics of return.

10. See Claude Lanzmann's depiction of the return of Simon Srebnik in the film, "*Shoah*." The complete text of Lanzmann's film has been published as *Shoah. An Oral History of the Holocaust* (New York: Pantheon, 1985).

11. Note Martin Buber's return to Germany to accept the 1953 Peace Prize of the German Book Trade. Buber's address on that occasion, delivered in Frankfurt at the Paulskirche, has been published in several places. See "Genuine Dialogue and the Possibilities of Peace," in Buber's *Pointing the Way. Collected Essays*, tr. and ed. M. Friedman (New York: Harper & Brothers, 1957), pp. 232–239 and in *Men of Dialogue: Martin Buber and Albrecht Goes*, eds. E. W. Rollins and H. Zohn (New York: Funk & Wagnalls, 1969), pp. 20–27.

12. Note the return of Susannah Heschel, the daughter of Abraham Joshua Heschel, whose sensitive essay, "Something Holy in a Profane Place," *Christianity and Crisis* 46 (October 6, 1986):338–342, reflects upon her 1986 lecture tour of East Germany on Jewish and Christian dialogue. Abraham Heschel had spoken of himself as a "brank plucked from the fire" in an address at Union Theological Seminary upon assuming the Fosdick Visiting Professorship. See "No Religion is an Island," in *Union Seminary Quarterly Review* 21 (January 1966):117.

13. Wendell Berry, "The Slip," in *Collected Poems*, p. 224.

14. Theological interpretations of the *Shoah* have tended to draw heavily on temporal metaphors and perspectives to express the profound crisis of the catastrophe. Note, e.g., Emil Fackenheim's important study, *God's Presence in History. Jewish Affirmations and Phil-*

pect of peace requires a recovery of that sense of home by which we are free to be with others in a particular place. But what extraordinary hospitality can overcome the burden of profanity to host such a return? And, more pointedly, who could welcome its offer?

The testimony of Elie Wiesel, Simon Srebnik, Martin Buber, and Susannah Heschel leads us deeper into the dynamics of return. Though they map no path of safe passage, their reflections illumine the perils of return and, thereby, prepare us for the delicate relation that may yet yoke us—victims and those who were not—in a pursuit of peace, the sharing of a common world. The survivors' return, so their examples indicate, must confront the discontinuity of on-going change, the persistence of an unyielding sameness, and a world of concrete others whose existence may either scandalize or assist the survivor in his or her path homeward.

The Oppression of Change and the Alienation of the Unchanged

In the narrative account of his return to Sighet, Elie Wiesel recalls wondering, "What would be waiting for me when I arrived? The dead past or the past revived? Total desolation or a city rebuilt again and a life once more become normal? For me, in either case, there would be despair."¹⁵ The prospect that Wiesel describes reflects an inevitable dilemma which the returning survivor confronts. On the one hand, both by intention and simply by the passage of time, the cities and villages of the *Shoah's* terrain have changed, often dramatically and always apart from those who, once banished, can return only as strangers. A city rebuilt is not *my* city and its signs of life may only blur the memory of what occurred in its domain. The markers of normalcy stabilize but, to the survivor, they also indicate that the profound loss no longer has present significance if, in fact, it ever did. On the other hand, the persistence of the unchanging features of the *Shoah's* world threatens a similar despair. Can the near-annihilation of a people have made so little difference that, in Wiesel's words, "Nothing had changed. The house was the same, the street was the same, the world was the same,

sophical Reflections (New York: Harper Torchbooks, 1972); Arthur A. Cohen, *The Tremendum. A Theological Interpretation of the Holocaust* (New York: Crossroad, 1981); and *The Holocaust as Interruption*, eds. Elisabeth Schüssler Fiorenza and David Tracy (Edinburgh: T & T Clark, 1984). The temporal emphasis is not surprising, given the strong primacy of the category "history" in Jewish tradition and the dramatic sense of temporal discontinuity that the *Shoah* introduces. Moreover, the diasporic heritage of Judaism has tended to relativize the importance of place to such an extent that temporal perspectives dominate the theological agenda (note, e.g., the implications of Franz Rosenzweig's classic volume, *The Star of Redemption*, tr. W. Hallo [Boston: Beacon, 1972], pp. 298–335). The growing literature of return, however, demands consideration of the fundamentally spatial dimensions of the crisis as well as the temporal.

15. "The Last Return," p. 111.

God was the same. Only the Jews had disappeared.”¹⁶ The desolated city or the city unchanged is not *my* city either; only the place where exile began.

Time, out of its own momentum, brings change to the landscape of return. Thus, even the most natural of developments frustrates the survivor's return with reminders that the sought-after setting may not exist.¹⁷ But, in the same way that all loss is not natural, so can change result from more than the sequence of todays and tomorrows. Change, in some settings, has its own design. Deliberate intentions to alter and destroy the holocaust topography fog the path of return with a wicked mist of unreality. Those who facilely beautify, clean, and construct on profane ground risk becoming like those who, in 1943, planted pines at Sobibor: agents of illusion who oppose the truth of remembrance and return.¹⁸

As Jill Robbins has noted, paraphrasing Maurice Blanchot, “the genocide of the Jews was not just an annihilation, but an annihilation *of* their annihilation.” She continues, “the crime includes the attempt to cover up the crime, to . . . ‘leave no traces.’”¹⁹ To destroy the trace, however, requires that one silence the surviving witnesses and, with them, the testimony that the land itself might provide. As if to retrieve the testimony or, at least, to deny the authority of the land's enforced silence, Lanzmann's film, “*Shoah*,” depicts vividly “the pine trees the Germans planted over the mass graves at Sobibor to ‘camouflage the traces,’ the camp at Chelmno that the Germans levelled, the Narew river, in which the ashes of 400,000 Jews burned at Chelmno were dumped.”²⁰

16. “The Last Return,” p. 120. Note also Claude Lanzmann's exchange with a Mr. Filipowicz in present-day Wlodawa: “(Lanzmann): These buildings haven't changed? (Filipowicz): Not at all. There were barrels of herrings here, and the Jews sold fish. There were stalls, small shops, Jewish business, as the gentleman says. That's Barenholz's house. He sold wood. Lipschitz's store was there. He sold cloth. This was Lichtenstein's.” (“*Shoah*,” p. 18; also see, p. 85).

17. Following again Tillich's insight concerning the interrelatedness of time and space, to return to a given place, but at a different time, is to return, finally, to a different place. In this sense, memory *in situ* may be more of an ordeal than memory at distance, for the former must contend with the distractions and novelties of what has changed.

18. Even a seemingly innocuous change may be value-laden. Susannah Heschel recalls seeing an empty lot near the Berlin Wall. Walking closer she noticed a small printed sign that marks the place as the former site of Gestapo torture chambers. An empty lot is a no-place; a place where nothing occurs. Yet, here, the horrible happened and no illusion of non-eventfulness can finally tame the perception aroused by the words on the small sign. As Heschel remembers, “The horror of standing in that space, breathing the air that was suddenly full of screams from those former days was terrifying. Religion gives us psalms and prayers to say when we visit holy places; what do we do when we visit places where terrible evil has been committed?” (“Something Holy in a Profane Place,” p. 339).

19. Jill Robbins, “The Writing of the Holocaust: Claude Lanzmann's *Shoah*,” in *Prooftexts* 7 (1987): 252.

20. *Idem*.

Witness to genocide, the land could not be left alone, for it held the blood that would cry out the tale of atrocity (cf. Gen 4:10). A place transfigured by horror finds that “the annihilation of annihilation” jeopardizes its final potency, its ability to provoke protest by those who return to view its deep scars. A forest of pines, silent and beautiful in its own right, would deceive when grown over the mass graves: “it wasn’t always so silent here.”²¹

No portion of Lanzmann’s “*Shoah*” has greater force or poignancy than its presentation of the return of Simon Srebnik to Chelmno. The film opens with Srebnik travelling quietly along the Narew, a route which, in an earlier time, had taken him from the camp to the fields and back again. Chained and under guard, the thirteen-year old boy with the melodious voice was required by his captors to sing for their pleasure. Now he sings again, gently, and the river listens.

The Narew takes Srebnik to a field, green and peaceful; a field without markers. “It’s hard to recognize, but it was here” he says.

Yes, this is the place. No one ever left here again. The gas vans came in here. . . . There were two huge ovens, and afterward the bodies were thrown into these ovens, and the flames reached to the sky. It was terrible. No one can describe it. No one can recreate what happened here. Impossible? And no one can understand it. Even I, here, now. . . . I can’t believe I’m here. No, I just can’t believe it.²²

Chelmno, a maw of death marked by its chimneys; Chelmno, an unbroken, lush field. Such deformation of the land does not take away Srebnik’s memory, but gives to it a necessarily paradoxical contour: “this is the place,” but it has no markers; “no one ever left here,” but no one is there. His return confronts a basic sense of unreality that is derived, in part, from the incomprehensibility of the remembered events themselves. But no less does it derive from the “annihilation of the annihilation.” His disbelief signals us in important ways that *this* place is also *not* the place, that this verdant land is not the chamber of flame. What the green field would deny, the land remembers and, with Simon Srebnik, so do we.

Because Simon Srebnik knows both that “this is the place” and “this is *not* the place” he can unmask the lie that would render pastoral the scene of atrocity and domesticate the memory of that place. The presence of the returning survivor uniquely says “NO” to the revisions and reductions that, years later, would continue the “annihilation of the annihilation,” that would alter the terrain for self-interested purposes, that would say “this is the place” without a profound awareness that “*this* is

21. Jan Piwonski, in response to Claude Lanzmann at Sobibor: “That’s the charm of our forests: silence and beauty. But it wasn’t always so silent here. There was a time when it was full of screams and gunshots, of dogs’ barking.” (“*Shoah*,” p. 10).

22. “*Shoah*,” pp. 5–6.

not the place," that would claim to know what cannot be known.²³ The violation of place, ever a fundamental threat, would finally obscure memory and history's truth. In the changed landscape, the returning survivor finds neither home nor the site that had so profoundly identified him or her. Yet, not without meaning, the return offers a message, a protest for truth: "here," the survivor says, "I remember."

Not everything, however, has changed. Standing in Chelmno's empty field, Srebnik becomes aware of a striking continuity of silence. He comments;

It was always this peaceful here. Always. When they burned two thousand people—Jews—every day, it was just as peaceful. No one shouted. Everyone went about his work. It was silent. Peaceful. Just as it is now."²⁴

Silence, the ironic marker of this non-place²⁵—this place without a trace—furnishes the telling link between Chelmno's past and present. It is a constant voice, audible and unbroken in memory and return. In some instances, silence may deceive, lulling us to forget the screaming agony of a setting's past.²⁶ It does not do so here. At Chelmno, Srebnik knows the more ominous silence, the lingering backdrop for atrocity.²⁷ In the undisturbed order of stillness, the survivor finds a haunting reminder that some things change not at all.

The persistent landscape of the *Shoah's* world becomes most prominent in villages such as Grabow, where the permanence of old, carved doors alludes to a time when the unchanged houses on the square belonged to Jewish families;²⁸ in places such as Wlodawa, where buildings remain the same and the synagogue, already existing before czars ruled in Poland, still assumes its place, though empty—"There's no one to go to it";²⁹ and in towns such as Sighet where, as Wiesel notes, "buildings, sidewalks, tenements, lampposts—all were just as I had left them."³⁰ The unchanged town expresses a powerful lure, for it would feign to offer a precious finding of precisely what one had lost. Yet, in its se-

23. Distortion of holocaust history has taken many forms, both through deliberate strategies of revisionist deceit and sometimes through unwitting reductions. On the revisionist tendencies of holocaust historiography, see Lucy S. Dawidowicz, *The Holocaust and the Historians* (Cambridge: Harvard, 1981); and Norbert Kampe, "Normalizing the Holocaust? The Recent Historians' Debate in the Federal Republic of Germany," *Holocaust and Genocide Studies* 2 (1987): 61–80. Unwitting reductions pose a unique problem. On this matter see, e.g., Lawrence Langer's discussion of Victor Frankl and Bruno Bettelheim, *Versions of Survival*, pp. 1–65.

24. "Shoah," p. 6.

25. Robbins, *Op. cit.*, pp. 250–252.

26. Note, e.g., Jan Piwonski's statement about the silence of Sobibor ("Shoah," p. 10; see above, n. 21).

27. Note André Neher's discussion of "scenic silence" in *The Exile of the Word*, (Philadelphia: Jewish Publication Society, 1981), p. 212.

28. See "Shoah," pp. 84–86.

29. *Ibid.*, pp. 18–20.

30. "A House of Strangers," p. 68.

ductive appeal, lie the roots of the coldest alienation. The tearing of person and place, like the betrayal of intimates, wounds deeply and leaves unhealing scars. Survivors of catastrophic exile change profoundly in the ordeal, never to be the same again. Returning to the too-familiar setting, they confront the unchanged town's cruellest joke: the survivor's unfathomable loss has left no imprint on the landscape; the suffering, as if it never occurred, has made no difference.

Where change has not occurred, returning survivors must face the given tokens of their loss, realizing anew the extent of their deprivation and separation. In a strange land one expects the unfamiliar and, though not at home, one feels no forfeiture. But, in the land that was once one's own, the very familiarity of the low, gray houses or the peculiar corner of the market square exact further sacrifice and surrender of the precious. Different from the simpler loss where something ceases to be, here the survivor knows that something exists, only not for him or her. Estrangement, an acute loss of claim within loss itself, takes the form of "a house of strangers." Where once the survivor ate, slept, and loved, another stands instead.

The constancy of setting exposes boldly the singular, telling absence from this unchanged world. All is in place with but one exception, whose glaring fact rises in the survivor's consciousness as a screaming indictment of all that has changed and all that has not. Wiesel describes a moment in his return:

Scenes and images flutter through my mind's eye. The years roll by, disappear into the abyss. Wild thoughts set my brain on fire: speak to the living, tear off their masks, reject their obsequious smiles; go from house to house, knock on windows, beat down doors and ask the people, "Where are the Jews who lived within these walls?"³¹

Remembrance *in situ* risks confrontation, the meeting of victims and those who were their torturers, their on-lookers, their usurpers. As memory gives way to protest, words begin to form that would create a new situation.³² Yet, precisely here, the force of the old situation expresses its profanity. What words can be spoken in a ruined place?

The Dialogue of Return

While lecturing in East Germany on the thought of her father, Abraham Joshua Heschel, Susannah Heschel recalls that there "the Jewish categories of purity and pollution, holy and profane, suddenly came alive. I started to feel it was wrong to take the work of my father, who is so precious and holy to me, and bring it to such a befouled and evil

31. "A House of Strangers," p. 69; note also the version of such an indictment given in Wiesel's novel, *The Town Beyond the Wall*, pp. 133–178.

32. On the antecedence of such protest in Israelite wisdom literature, see Karl A. Plank, "Raging Wisdom: 'A Banner of Defiance Unfurled'" in *JUDAISM*, 36 (1987): 323–330.

place.”³³ The experience of profanity, a numinous vulnerability to danger, contagion, and deep feeling of “wrong,” assaults the returning Jew from many sources: the lingering nearness of death and its agents, the obscurity of the markers of good and evil,³⁴ the disorientation and experienced sense of unreality.³⁵ No stronger sense of forbidden line exists, however, than in the victim’s meeting of the actual other who, in this way or that, shared responsibility for the victimization. Return confronts profanity because it brings into relation the victim and the victimizer and, to occupy a common place, even for the moment, implies a recognition of the other who dwells there.

Return involves this other. As memory requires a present answering of the past, so does return demand response to the other whose past role forges a present reality in the ruined place. The survivors return to a populated world and cannot finally be alone with their memory.³⁶ Seeking a glimpse of home, they find the house full of strangers and, with them, the returning Jew can be anything but indifferent. With words or silence the act of return addresses these strangers and situates them in history. Like the survivor, their present has a past; their future, a task.

Lanzmann’s “*Shoah*” gives face to many of these others. Outside of the church in Chelmno a group of villagers surround Simon Srebnik, eager to welcome his return for “they know all he’s lived through.”³⁷ With enthusiasm, they rush to provide their versions of the story as if it were theirs to tell and as if their own zeal did not indict them of the very reality they described. Occasionally they seek Srebnik’s nod of approval, yet, seemingly without awareness of what they have asked him to confirm. Lost in the midst of their banal cackle, Srebnik is uncomfortably silent. The villagers, caught in the euphoria of their own welcome, do not hear the shattering scream of that silence and the return goes effectively unmet. No absence of overt hostility can mask this real-

33. “Something Holy in a Profane Place,” p. 339.

34. Susannah Heschel refers to an awareness of this sort in a Berlin theater: “One night, in a movie theater, a middle-aged man sitting next to me asked, during the intermission, if I were Jewish. I asked where he was from: Originally Berlin, he said, but, since the war, Argentina. I felt horror; was I sitting next to a Jewish refugee or next to a former Nazi? What kind of place was I in, where good and evil can appear indistinguishable?” (“Something Holy in a Profane Place,” p. 338).

35. Mircea Eliade discusses profane space as a homogeneous expanse, an unmarked place, within which no fixed orientation is possible; see *The Sacred and the Profane*, tr. W. Trask (New York: Harvest, 1959), p. 22. Recall, in this connection, Simon Srebnik’s encounter with the absolutely empty field at Chelmno (*Shoah*, pp. 5–6) and its dimensions of paradox and unreality.

36. The possible exception where the Jew is alone with memory may be in the cemeteries which seem to offer an at-homeness that is absent elsewhere. Note, e.g., Wiesel, “The Last Return,” p. 127 and Heschel, “Something Holy in a Profane Place,” p. 340.

37. “*Shoah*,” p. 95; for the full account see, pp. 95–100.

ity: to the villagers Simon Srebnik has no greater voice in Chelmno's present than he did in Chelmno's past.³⁸

The spectrum of others is broader than Chelmno's villagers and includes persons of humane openness and courage. Yet, their presence is rare and muted under the din of a culture's self-serving noise, a banging accompaniment to the depletion of conscience and criticism. The returning survivor cannot rely on the trustworthiness of the resident others nor take his or her cue from them. Where the other's guilt breeds defensiveness or banality blocks selfcognizance and even the will to welcome may afflict with self-concern, the survivor returns in jeopardy: the jeopardy that the precious word which he or she has returned to speak will go unheard, or be trivialized, or caught in a circle of antagonism: the jeopardy that his or her voice will once again have no place.

In Wiesel's *The Town Beyond the Wall*, the character of return, Michael, remembers what another had once told him:

"sometimes it happens that we travel for a long time without knowing that we have made the long journey solely to pronounce a certain word, a certain phrase, in a certain place. The meeting of the place and the word is a rare accomplishment, on the scale of humanity."³⁹

In a climate of deceptive change, the survivor returns to say "I remember"; in a milieu of unaffected constancy he or she voices indictment and protest. Both words express, in the moment of their utterance, a new claim of place, a new sense of situation that allies the survivor with the truth of the land itself. The authority of the survivor's return derives not from the resident others, for it is finally not about them, but from the inalienable right to speak *in* a place the truth about that place, to offer a human word where human beings have lived and died, and to deny the ultimate profanity of anywhere one once was and now is.

The survivor's return does not redeem the land, but seeks to overcome the banishment—the profanity—that would block "the meeting of the place and the word." To a certain extent, a ruined place is so forever, for what is lost in a single precious instance cannot there be restored. Yet the profanity which repels, which threatens to make the land uninhabitable, has its roots not in the loss, per se, but in the willing failure to allow such an event to address all inhabitants decisively or to fashion a human witness that ever names this place of ruination. Profanity describes the surrender of history to oblivion, to the leveled field in which finally all are lost—except, possibly, the survivor who tacitly knows that "this is the place."

38. On the role of the resident other, see Karl A. Plank, "Broken Continuities: *Night* and 'White Crucifixion'" in *The Christian Century* 104 (November 4, 1987):963–966. The Chelmno villagers provide a noisy anti-type to the called-for role of the other as one who fundamentally listens to the claims of the survivor.

39. *The Town Beyond the Wall*, p. 110.

In its moment, the survivor's return, manifesting the living presence of memory, creates new access to the ruined place. Like a rite of purification, the act of return does not do away with danger, but places that which is threatening in an approachable frame.⁴⁰ The alien is given human context. Here that human context takes the form of re-marking the land, of exposing within its contours the vital boundaries which separate good from evil, the true from the banal, the kingdom of life from the domain of death. Ruin yet exists, but the survivor has named its locations—Birkenau, Treblinka, Chelmno—and robbed it of its power to obscure the truth or banish the human witness. Though outside all moral categories, the legacy of this landscape creates a claim for human responsibility; no humane tale, the alien chronicle of what there occurred, reenters the human story as a warning and call on the lips of the returning Jew.

That certain word which the Jew, after Auschwitz, speaks by his or her very presence articulates an obligation and an overture. Martin Buber's return to Frankfurt in 1953 to accept the Peace Prize of the German Book Trade—a return ripe with the possibility of misunderstanding—occasioned a prophetic pronouncement of that word.⁴¹ Acutely aware of the *hurban*, Buber begins his speech with a solemn recognition of what had occurred in this land and intones the stark reminder that here can exist no presumption of forgiveness. Without yielding that deep conviction, he then struggles to discern the face⁴² of those resident others gathered in *Paulskirche*, those who people the world to which he

40. See Paul Ricoeur, *The Symbolism of Evil*, tr. E. Buchanan (Boston: Beacon 1969), pp. 29 and 35.

41. On the controversy over Buber and the Peace Prize, see Maurice Friedman, *Martin Buber's Life and Work. The Later Years, 1945–1965* (New York: E. P. Dutton, 1983), pp. 102–130. A distinction might be made between Buber, who immigrated to Palestine in 1938, and the survivors of the camps, whose acts of return must confront a unique memory. Nevertheless, such a distinction should not, in this case, blur the significance of Buber's own return as one who had been persecuted by the Nazis, as one who had prophetically combatted their oppression, and as a survivor of the banishment who retained a deep identification with the Jews of Germany and Europe throughout the war. A telling expression of Buber's perception of the crisis that European Jews were to face can be seen in his post-*Kristallnacht* response to Gandhi; see "A Letter to Gandhi," in *Pointing the Way*, pp. 139–147.

42. Note that, in the previous year, Buber had declined the invitation to give a public lecture in Hamburg on the occasion of his being awarded the University's Goethe Prize. In a letter to Bruno Snell (January 25, 1952), he gives as his reasons an inability to "overcome the *facelessness* of the German public, which has persisted for me since the events of 1938 and after." He continues to note that the precondition for his speaking publicly remains "being able to regard every *face* that I turn toward as my legitimate partner." (See the excerpt of this letter in Friedman, *Martin Buber's Life and Work. The Later Years*, p. 111; emphases mine). Buber's return to Frankfurt reflects an attempt to discern precisely this face and exists as an overture to dialogue.

has returned.⁴³ The same memory which drives his indictment requires his discernment as he recalls no simple totality: where some, by their deeds and intentions, virtually removed themselves from the human sphere, others failed to oppose them, trapped in fears and self-concern; some, at risk of their own death, did fight the incursion of evil and, if to no avail, at least refused to surrender to indifference the plight of another's human life. Only by making such a discernment, only by seeking the face of the resident other, can Buber respond to the voice which cries out from the ruined place. The meeting of word and place coincides with a confrontation of the particular survivor who speaks and the particular other who must, above all, listen and respond as presently addressed. No past pattern of discourse must prohibit the dialogue of return.

The word of return is a present word. It addresses not the burden of the past as a distant item, but as a crisis made present. For Buber, that word heralds a struggle against the *contrahuman* in all its forms,⁴⁴ against the demonry which desolated the landscape of Europe and the sacred places of the Jewish heart and which threatens to emerge wherever the human dialogue is broken. It risks profanity for, in Buber's words, "the Jew chosen as symbol must obey this call of duty even there, indeed, precisely there where the never-to-be-effaced memory of what has happened stands in opposition to it."⁴⁵ There, in a ruined place, the Jew gives the overture to dialogue and, with the greatest of jeopardy, confirms the human existence of the resident other—not because it is deserved, for it cannot be in the landscape of the *Shoah*, but because only as such can the survivor vanquish the *contrahuman* in a world where a torturous history has set us to share common places.⁴⁶

Buber seeks a "solidarity that extends across the fronts: the solidarity of all separate groups in the flaming battle for the rise of a true

43. This same dynamic is evident in Susannah Heschel's return to Germany where the concreteness of the resident other raises anew the question of dialogue. She writes, "Perhaps, through an open admission of our own, personal experiences, we can begin to speak with one another. Yet that is both my hope and my fear. Seeing Germans as real human beings, not as mythic figures, entering into relationships with them, is frightening. To stop objectifying and start humanizing Germans threatens the deep commitment I have never to betray my family or my people. My desire is to find a way to break through the Jewish-German barrier without in any way compromising my values, my passions, my commitments." ("Something Holy in a Profane Place," p. 342).

44. On fighting the *contrahuman*, see "Genuine Dialogue and the Possibilities of Peace," in *Pointing the Way*, esp. pp. 233–34.

45. "Genuine Dialogue and the Possibilities of Peace," p. 234.

46. Thus Buber writes, "In a genuine dialogue each of the partners, even when he stands in opposition to the other, heeds, affirms, and confirms his opponent as an existing other. Only so can conflict certainly not be eliminated from the world, but be humanly arbitrated and led towards its overcoming." ("Genuine Dialogue and the Possibilities of Peace," p. 238).

humanity.”⁴⁷ Whether or not that solidarity is attainable, its goal derives from a keen insight into the spatial dynamics of return: the place which is ours is never ours alone; overcoming the profanity of place requires overcoming the profanity of the resident other. Whether or not the dialogue of return yields “the great peace,”⁴⁸ its moment of turning “radically changes the situation,”⁴⁹ the past pattern which has bound victim and oppressor. The dialogue of return, no pacified exchange, exercises the fullest confrontation that remembers, indicts, and seeks to bring back to responsibility the resident other. In dialogue, neither banality nor falsehood can any longer hide this other from the claim of the human voice and the repentance which fights the *contrahuman*. Evil will be denied its mask. As for the survivor, he or she leaves behind vestiges of the victim’s role whose words could find no apt expression in either punishment or forgiveness. Turned toward the essential task, the survivor becomes transformed as prophet, hurling the challenge of peace in the ruined places of human history.

In his book on the Kotzker Rebbe, Abraham Heschel cites the Midrash that describes the Creator’s casting truth into the ground.⁵⁰ Entombed in the earth, truth eludes those unwilling to dig into the layered memories of a place. The survivors’ return reminds us, nevertheless, that truth *is* in the ground and perhaps only they know where it lies buried. As survivors unearth this truth uniquely theirs, they discover no restored home nor the recovery of a consumed past. Yet, in the turning over of this very ground, they find the broken signs of a world which identify them decisively and bind us all in the obligation of our time: the larger return to a common humanity.

47. Ibid., p. 234.

48. Ibid., p. 235.

49. Ibid., p. 237.

50. *A Passion for Truth* (New York: Farrar, Straus, and Giroux, 1973), p. 13.

Joseph the Unrighteous

BEREL DOV LERNER

THE NARRATIVE OF GENESIS 47:13 TO 47:26

depicting Joseph's treatment of the Egyptian people during the years of famine is troubling both from a literary and from a moral perspective. From a literary perspective we may ask: what is the point of interrupting the story of Joseph and his brothers with a seemingly superfluous description of Joseph's history as the viceroy of Egypt? Surely not in order to explain his ability to sustain Jacob's family and cause his brothers to fear him. Joseph's power is already sufficiently established by the prior stories of his elevation to high office, administration of policy and manipulation of his brothers' lives.

The ethical problem presented by Joseph's administration is even more perplexing. Joseph is here portrayed as ruthlessly pursuing a course of coercive economic centralization. After collecting the surplus product of the seven fat years, he sells back the food to its producers at an exorbitant price—eventually forcing them to hand over their savings, livestock, land and freedom to Pharaoh, in order to avoid starvation.

I believe that Joseph's story is best approached as a lesson in political morality and the instruction that it offers is of universal importance. Let my motives be clear: this interpretation is not meant as a veiled criticism of some aspects of modern Jewish history. If anything, Jewish politicians have shown little susceptibility to Joseph's faults. My purpose here is openly apologetic. I wish to demonstrate that the Torah does not condone Joseph's obviously inexcusable behavior, and to give some explanation why his actions were recorded for all time.

Although the Torah nowhere openly criticizes Joseph's policy, there are clear indications that his behavior is not to be seen as fulfilling the will of God. It is with great pathos that the Torah gives voice to the pleadings of the Egyptians: "Give us bread: for why should we die in thy presence? For the money fails." (Gen. 47:15)¹ And again, "There is nothing left in the sight of my lord, but our bodies, and our lands. Why shall we die before your eyes, both we and our land?" (47:19). These are not the words of a people benefitting from the care of a thoughtful ruler.

The Torah also hints that Joseph's tyrannical stance was not part

1. Koren "Jerusalem Bible" translation, Jerusalem, 1969 All quotations are from Genesis, if not otherwise noted. Names are given in their conventional Anglicized forms.

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of the original Divine plan. When Joseph first appears before Pharaoh to explain his dreams, he repeatedly insists on the Divine origin of the dreams and of their interpretation. His economic plan is delineated as an integral part of the dreams' explanation:

Now therefore let Pharaoh look out a man discreet and wise, and set him over the land of Egypt. Let Pharaoh do this and let him appoint officers over the land, and take up the fifth part of the land of Egypt in the seven years of plenty. And let them gather all the food of those good years that come, and lay up corn under the hand of Pharaoh and let them keep it for food in the cities. And that food shall be for store to the land against the seven years of famine, which shall be in the land of Egypt, that the land perish not through the famine (41:33–41:36).

As if to reemphasize the Divine origin of the plan, Pharaoh says to Joseph, "Since God has shown thee all this, there is none so discreet and wise as thou art" (41:39). But Joseph's enacted policy deviates from the original on several points. The original plan does not mention selling the grain back to the Egyptians, but states simply that the "food shall be for store in the land." The purpose of the plan was not to increase Pharaoh's power, but to guarantee that "the land perish not through the famine." Also, the original plan did not call for uprooting the people from the land and concentrating the population in the cities.

The critical attitude of the Torah towards Joseph's administration again becomes evident if we compare his treatment of the Egyptians to God's care for his people, the Children of Israel. Joseph's policies repeatedly fail even to approach the ideal of *imitatio Dei*. While Joseph reinforced the Pharaoh's claim to rule by enslaving his people, God's claim to rule, as expressed in the first Commandment, is founded on having freed the Jews from slavery. Joseph's acquisition of land for Pharaoh was a further deprivation of people's rights, whereas God decrees that "The land shall not be sold forever, for the land is mine" (Gen. 25:33) in order to assure that no one be forever deprived of his patrimony. During their sojourn in the desert, God gave manna freely to the Children of Israel and did not use food to extort power.

The Torah's account of Joseph's early life presages his moral failure as ruler of Egypt. From the outset, he is depicted as having somewhat narrow social horizons. As the favorite son, he gets on well with his father. Yet, Joseph seems to be incapable of consideration for his brothers. He informs on them to their father and evokes their jealousy by relating to them his dreams of dominion over the whole family. Isaac and Jacob before him had been selected as the sole inheritors over their brothers and Joseph's brothers must have suspected that he was preparing to follow suit by usurping their collective succession of Jacob. Eventually, Joseph's insensitivity towards his brothers led to his enslavement and exile.

In Egypt, Joseph's life continues its pattern of narrow loyalty to his

immediate superior. When the wife of his master, Potiphar, tries to seduce him, Joseph does not resist on general moral grounds; rather, he cites his personal obligation to his master. After being unfairly incarcerated, he gains the trust of his new master, the warden. Thus, Joseph takes upon himself the administration of a prison which, from his own experience, he knows to be an instrument of less than perfect justice. Finally, he is brought before Pharaoh. As always, he quickly directs all of his energies to serving the new master. Once more, his moral horizons are cramped. His only loyalties are to Pharaoh. Just as he was prepared to sacrifice his brothers' trust in order to ingratiate himself with his father, so Joseph is ready to disregard the well-being of an entire nation in order to gain yet more power and wealth for Pharaoh. The classical Jewish commentators explain that the verse "and Joseph brought the money to Pharaoh's house" (Gen. 47:14) is intended to demonstrate his moral stature; Joseph did not take money for himself. Unfortunately, this singular devotion to Pharaoh is constitutive of Joseph's entire political morality.

The Torah's implicit criticism of Joseph is not enough. In the Jewish scriptures, moral wrongdoing, especially on the part of heroic figures, inevitably brings evil consequences in its wake. Thus, Miriam was stricken with leprosy after speaking ill of Moses. Moses himself was not allowed to enter the land of Israel on account of his sins. The house of Eli lost its title to the position of high priest because he failed to restrain the blasphemous behavior of his children. Could it then be possible that no evil came of Joseph's despotism?

In order to answer that question we must sketch the changes in Egyptian culture and society brought about by Joseph's policies.

The Torah does not offer us much information about the political culture of Egypt before Joseph's rule, but it can be assumed that the innovations instituted by Joseph were unknown prior to his coming to power. Since the Egyptians gave up their land rights to Pharaoh, we may infer that the right to possess land was previously respected in Egypt. Since the Egyptians sold themselves into slavery, we may assume that they had previously enjoyed the status of freemen. Since Joseph decreed that the Egyptians must give one-fifth of their harvest to Pharaoh, we may assume that this tax did not previously exist. By working backwards, we arrive at a picture of Egypt prior to Joseph's innovations, an Egypt where citizens enjoyed a political culture which granted them the status of freemen and the right to own property and which placed ceilings on taxation. By instituting the new policies, Joseph completely disrupted the original political culture.²

In a normative vacuum, individuals and groups can flourish only

2. Genesis 41:44: "I am Pharaoh, and without thee shall no man lift up his hand or foot in all the land of Egypt" is taken by Rashi and other classical commentators to mean the power to make war and not generalized, central authority.

if they enjoy a special relationship with those in power. Thus, in Joseph's time, the children of Israel prospered in Egypt by reaping the benefits of unabashed nepotism. After Joseph's death their fortunes would change. The connection with Pharaoh would be broken and there would exist no commonly accepted framework of rights to protect them. The Torah makes this quite plain. Thus, the verse which begins the story of Israel's enslavement states simply: "Now there arose a new King over Egypt, who knew not Joseph" (Exod. 1:8), as if to explain all that follows.

In a society stripped of political morality, sudden mass enslavement and the murder of all male children can become feasible options of policy. It was under Joseph's initiative that the entire Egyptian population became enslaved to Pharaoh. Could the Jews, then, complain if they were required to serve Pharaoh as slaves? Ironically, they were forced to build treasure cities, doubtless to store wealth brought to the Pharaohs through Joseph's initiatives.

Thus, the Torah's condemnation of Joseph's administration is complete. It disassociates his behavior from the original Divine purpose. The plight of Egypt under Joseph is described with pathos. The shortcomings of his rule, in contrast to Divine example, become plainly obvious. Finally, the entire Jewish nation suffers as a result of his narrow loyalty to the sovereign and his disregard for the rights of the governed.

Jewishness and the New York Intellectuals

EDWARD S. SHAPIRO

ONE OF THE MORE INTERESTING ASPECTS OF recent American intellectual history has been the concern with what have come to be known as the "New York intellectuals." The autobiographies of Alfred Kazin, Irving Howe, William Phillips, William Barrett, and Sidney Hook have been joined on the library shelves by monographic studies of Daniel Bell, Will Herberg and Lionel Trilling, by several doctoral dissertations on the New York intellectuals, and by major studies of the intellectuals by Alexander Bloom, Terry A. Cooney and Alan Wald. In these pages many of the major intellectual developments of modern America—the growth of socialism during the 1930s, the struggle over literary modernism, the emergence of neo-conservatism—appear to have been little more than intramural debates within what Norman Podhoretz, the editor of *Commentary*, has called "the family."

This *mishpocha* of mostly Jewish intellectuals has assumed an almost mythic position within American intelligentsia. Thus, Elizabeth Hardwick once noted that she left Kentucky in order to become a New York Jewish intellectual. (Her conversion took place in the offices of the *New York Review of Books*.) Hardwick was not alone in assuming that to be a New York intellectual (or any intellectual at all) it helped to be Jewish. As Victor Navasky, the editor of the *Nation*, jested in 1966, "rumors to the contrary notwithstanding, you don't have to be Jewish to be an intellectual."

During the past half century or so, the only other group which had a comparable impact on American intellectual life were the Southern critics and writers. It would be difficult to conceive of two more different categories of intellectuals, yet both the Southern writers and the New York intellectuals were similar in at least one major respect: they were forced to come to terms with the conflict between the parochial and traditional cultures in which they had been raised and the cosmopolitan, intellectual communities of which they sought to become a part. The Southern novelist and poet, Allen Tate, once noted that the Southern writers of the interwar years had a "peculiarly historical consciousness" because they lived at a time when the traditional South of cotton, the Lost Cause, and rural ways was being obliterated by a new South of cities, factories, and progressive ideas.

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The histories of the New York intellectuals have emphasized that they, also, were conscious of living at a particularly crucial cultural and political crossroads. This was accentuated by their sense that they lived on the margins of both American and Jewish culture. Bloom's *Prodigal Sons: The New York Intellectuals and Their World* (1986), Cooney's *The Rise of the New York Intellectuals: Partisan Review and its Circle* (1986), and Wald's *The New York Intellectuals: The Rise and Decline of the Anti-Stalinist Left from the 1930s to the 1980s* (1987) argue that the creativity of the New York intellectuals resulted, in part, precisely from their alienation from the religious and ethnic insularity of American Jewish life.

These prodigal sons, Cooney noted, took their bearing from the consciousness that

they stood outside two cultures. It was Jewishness that made possible the assertion of a double exile that promised exceptional insight.

The cosmopolitan New York intellectuals rejected the

particularisms of nationality, race, religion, or philosophy, and they celebrated richness, complexity, and diversity. . . . Cosmopolitanism was by nature suspicious of dogma and quick to lash out against the narrowing of cultural possibilities.

This cosmopolitanism was evidenced by their affinity for political or cultural categories, whether it be Marxism with its rejection of ethnic and national distinctions or literary modernism with its stress on abstract literary modes of expression.

This argument that there was a symbiotic relationship between, on the one hand, Jewish intellectuality and, on the other, marginality and alienation, was not new. Beginning in the early nineteenth century, both supporters and opponents of Jewish emancipation in Europe noted that one of its side effects had been the emergence of cosmopolitan, secular, and often revolutionary intellectuals. The nineteenth century German Jewish socialist, J. L. Bernays, rejoiced in the fact that the modern Jew had "rescued men from the narrow idea of an exclusive fatherland, from patriotism, by liberating men . . . from everything that reminded him of race, place of origin, dogma and faith." Three quarters of a century later, in his important 1928 essay, "Human Migration and the Marginal Man," the University of Chicago sociologist, Robert E. Park, argued that the modern Jew was the quintessential marginal man, existing "on the margin of two cultures and two societies . . . the first cosmopolite and citizen of the world."

In a famous address delivered in 1958 to the World Jewish Congress, the Marxist historian, Issac Deutscher, used the term "nonJewish Jew" to describe the phenomenon of Jewish intellectuals like Spinoza, Trotsky, and Freud who have "dwelt on the borderlines of various civilizations, religions, and national cultures . . . [and] lived on the margins or in the nooks and crannies of their respective nations." Deutscher

himself was a prime example of the nonJewish Jew. A child prodigy, he had been ordained as a rabbi when only thirteen. But even at this early age he had doubts regarding Judaism and the existence of God. The next year, Deutscher ate a buttered ham sandwich in a cemetery on Yom Kippur and was surprised that he was not struck down by God. He had crossed his Rubicon. He soon replaced Moses and the Talmud with Marx and Trotsky.

The New York intellectuals themselves have emphasized their alienation from the world of their parents. In 1944, at the height of the Holocaust, Isaac Rosenfeld and Alfred Kazin stressed their indifference to Jewish concerns. Being Jewish, Rosenfeld argued, "should occupy no more of a man's attention than any ordinary fact of his history." Kazin declared that, of all the forces shaping his outlook, he had been "most deeply influenced by my struggle against a merely imposed faith, and against a sentimental chauvinism." What, he asked, was Jewish about the American Jew?

What does he believe, especially in these terrible years, that separates him at all from our national habits of acquisitiveness, showiness and ignorant brag? . . . What a pity that he should feel "different," when he believes so little; what a stupendous moral pity, historically, that the Fascist cut-throats should have their eyes on him, too, when he asks for so little—only to be safe, in all the Babbitt warrens.

For Kazin and the other Marxist Jewish intellectuals, Jewishness and Judaism were particularistic anachronisms fated to disappear in a socialist and cosmopolitan utopia.

Marginality is a major theme in Irving Howe's appropriately titled autobiography, *A Margin of Hope*. During the 1930s and early 1940s, he wrote, Jewishness

was not regarded as a major component of the culture I wanted to make my own, and I felt no particular responsibility for its survival or renewal. It was simply *there*. While it would be shameful to deny its presence or seek to flee its stigma, my friends and I could hardly be said to have thought Jewishness could do much for us or we for it.

They resembled Deutscher's nonJewish Jews. "Our partial assimilation—roots loosed in Jewish soil but still not torn out, roots lowered into American soil but still not fixed—gave us a seemingly endless range of possibilities." Above all, Howe and his friends were excited by "the idea of breaking away, of willing a new life." One manifestation of this universalism and repudiation of Jewish parochialism was Howe's opposition, during the early 1940s, to American entry into World War II. At that time he was a disciple of Trotsky, and argued that American involvement would bolster British imperialism and strengthen capitalism. That was simply too high a price to pay for stopping the Nazis.

The Jewish intellectuals seemingly took their Jewish ancestry for granted, but they denied that it had any significant influence on their

thinking or any claim to their loyalties. Jewishness, they contended, was devoid of any positive content, and was destined to fade away with social and economic acculturation and intellectual enlightenment. They would have agreed with Jean-Paul Sartre's *Anti-Semite and Jew* (1948) that Jewish identity was largely a response to anti-Semitism. A Jew, Sartre said, "is one whom other men consider a Jew." The intellectuals' major concern with Jewish matters prior to World War II involved opposing anti-Semitism. For the Marxist true believers among them, and most of the Jewish intellectuals had been influenced in varying degrees by Marxism, the inevitable triumph of socialism would lead to the demise of modern anti-Semitism since it resulted from the economic maladjustments accompanying capitalism.

The cosmopolitan New York Jewish intellectuals rejected Zionism as a solution to the Jewish question. Jewish nationalism, they avowed, was simply too parochial and unrealistic. One of the most powerful expressions of this position was Morris Raphael Cohen's 1919 *New Republic* article, "Zionism: Tribalism or Liberalism?" It appeared while the Versailles Conference was debating the nationalistic claims of Europe's ethnic groups, including those of the Jews. Cohen, a professor of philosophy at New York's City College and a teacher of many members of the New York intelligentsia, rejected Zionist claims that Jewish assimilation was chimerical, that all Jews were united by indissoluble ties of ideology and blood, that Judaism and Jewishness could prosper only in a Jewish state, and that Palestine should be an exclusively Jewish state. He described the Zionist leaders as "zealous enthusiasts" and Zionism as a "mystic and romantic nationalism" which was "profoundly inimical to liberal or humanistic civilization." The amelioration of the Jewish condition depended not on any Zionist tribalistic fantasy, Cohen concluded, but on the spread of the liberal values of toleration, individual liberty, and reason.

Zionism, Cohen further claimed, was profoundly opposed to Americanism. He sharply dissented from Louis D. Brandeis' argument that Americanism and Zionism were mutually reinforcing, since both supported democracy and reform. To be a good American, Brandeis believed, a Jew must also be a good Zionist. Cohen disagreed. He contrasted the American belief in the separation of church and state and in individual freedom with the Zionist belief in the union of religion and state in Zion and the immutability of group loyalties. "The glory of Palestine is as nothing to the possible glory of America," Cohen concluded. "If history has any lesson at all it is that never have men accomplished anything great by trying to revive a dead past."

Those who criticize the New York intellectuals for their indifference to Jewish concerns would thus seem to have a good case. Ruth Wisse, a professor of Yiddish literature at McGill, has contended that the price which the New York intellectuals paid for their intellectual

independence and their cosmopolitanism was political irresponsibility and moral insensitivity. "One of the greatest moral and intellectual failures of the New York intellectuals," she said, "was their disregard of the Jewish fate, both before and during World War II and in the decades that followed." She quoted the Yiddish critic, Shmuel Niger, and his cry of anguish during World War II that European Jewry suffered from "Jews who are too coarse, but also from Jews who are too sensitive."

But the problem with this picture of the New York intellectuals is that it is too pat and neat, too dependent on the sociological abstraction of the deracinated Jewish intellectual. Not even the New York intellectuals, often much to their own surprise, were able completely to withstand the ties of tradition and peoplehood. Just as the Southern intellectuals sought to salvage something of value from the culture of the rural South, so the Jewish intellectuals were unable to repudiate completely the culture of their immigrant Jewish neighborhoods. Even the seemingly most emancipated and cosmopolitan of them were reluctant to reject their Jewish background in toto and, even if they could, World War II would not allow them that luxury. As Norman Podhoretz remarked, the Holocaust demonstrated "the inescapability of Jewishness."

The Alfred Kazin who proclaimed his revolt from Jewish sentimental chauvinism was the same person who, in an autobiography titled *New York Jew*, described how the Holocaust became the consuming event of his life.

In my private history of the world I took down every morsel of fact and rumor relating to the murder of my people. . . . The line-up was always before my eyes. I could imagine my father and mother, my sister and myself . . . fuel for the flames, dying by a single flame that burned us all up at once.

Kazin's book also contains a moving description of his trip to Israel after the Six-Day War.

Irving Howe's relationship with Jewishness was also more important and tormented than one would assume at first glance. He noted that intellectuals such as himself who sought to escape the constraints of the Jewish world would, at the same time, raise Jewishness "to a higher cosmopolitan power" by declaring their uniqueness. In his autobiography, he recounted his alienation from Jewish commitments in the chapter titled, "Jewish Quandaries." Here he observed that what the New York intellectuals felt regarding Jewish matters "was rarely quite in accord with what we wrote or thought. . . . This was a kind of culture lag, recognition behind reality."

The Holocaust had the same impact on Howe as it had on Kazin and other Jewish intellectuals. For Howe, the Holocaust was simply "the most terrible moment in human history." Rejecting efforts to transform the Holocaust into a symbol of universal moral turpitude, he argued that the Holocaust must be viewed primarily as a Jewish tragedy,

the culminating ordeal in the sequence of ordeals which comprises the experience of the Jewish people. One's first response—not the sole response, but the first—had to be a cry of Jewish grief.

As a result of the Jewish catastrophe, Howe began reflecting on what it meant to be Jewish and an American Jew in the latter half of the twentieth century. These speculations resulted in his editing several volumes of Yiddish literature and writing *World of Our Fathers* (1976), a prize-winning elegy on the culture of the Jewish immigrant, working-class generation.

Howe admitted that this interest in Jewish suffering “wasn't, of course, a very forthright way of confronting my own troubled sense of Jewishness, but that was the way I took.” Being Jewish, he now realized, had always been an integral part of his life. This linking up with Jewish tradition lead him to describe himself as a “partial Jew” and an advocate of secular Jewishness. Unsympathetic toward either Judaism or Zionism, Howe's Jewish identity had little of a positive nature to sustain it. It existed in “a state of prolonged interregnum, between the denied authority of total faith and the sterile prospects of assimilation.” He admitted that his perspective on Jewishness “had reached a historical dead end,” but “there, at ease or not,” he chose to remain.

Howe's recognition of the ambiguity of his new-found Jewish identity was symptomatic of the situation that many of the Jewish intellectuals found themselves in. Feeling Jewish and, yet, not knowing what that meant, they found it difficult to locate the Jewish content of their lives. Inevitably, they looked to Israel to bolster their fragile sense of Jewishness. Philip Rahv, in an act which amazed his friends, bequeathed his estate to Israel when he died in the 1970s. During the 1970s and 1980s, Howe wrote brooding essays from a nonZionist and leftist perspective on Israeli politics and society. Although a supporter of the Jewish state, he feared that Israeli intransigence over the issue of the territories that had been captured during the June, 1967, war would lead to a tragic conflict between rival Arab and Jewish nationalisms.

In contrast, the philosopher and social commentator, Sidney Hook, also a nonZionist, but a hardline opponent of the conventional leftist approach toward foreign policy, supported the 1982 Israeli invasion of Lebanon and attacked the media for generating “an atmosphere of pogrom-hatred against Jews.” Accusations by Arthur Hertzberg, Howe, and other intellectuals that Israel had “lost its soul” because of the Lebanese invasion struck Hook as nonsensical. “Norman Podhoretz is closer to the truth in his order of priority of blame—the PLO first, and Israel last.”

The acrimonious debate over Hannah Arendt's *Eichmann in Jerusalem*, published in the early 1960s, played a major part in the growing Jewish consciousness of the New York intellectuals. Her emphasis on the Nazis' “banality of evil” and on Jewish passivity before the forces

of barbarism was extremely troubling. It forced all Jews to consider whether they had done enough to help rescue European Jewry. The passions aroused in the intellectuals were, Howe wrote, particularly “overwhelming. I cannot think of anything since then that harrassed me as much except perhaps the Vietnam War. You might say that it was a tacit recompense for our previous failure to respond.”

Hook has grappled with the relevance of Jewishness ever since he rejected Judaism before reaching the age of Bar Mitzvah. His disdain for religion stemmed from his inability to reconcile the existence of evil with a sovereign and just God. He had first been drawn to this philosophical problem of theodicy when he learned that one of his siblings had died at an early age and this problem remained his major defense against the claims of the religious.

I don't expect the innocent man to be vindicated tomorrow (he said in 1987), but I do expect him to be vindicated before he goes to the scaffold. I don't expect the tyrant to be struck by a thunderbolt. But I would expect, if there is a God, that he would not die comfortably in his bed.

Hook's religious scepticism deepened during the 1920s when he studied philosophy under John Dewey in Columbia University's graduate school and for the next six decades he was one of America's most prominent atheists.

Hook was best known during the 1930s for his attempt to Americanize Marxism. His two major books on Marxism, *Towards the Understanding of Karl Marx: A Revolutionary Interpretation* (1933) and *From Hegel to Marx: Studies in the Intellectual Development of Karl Marx* (1936), sought to reconcile Marx with Dewey, an effort which won for him and his “hookworm” followers the contempt of more orthodox Marxists. In his sporadic lecturing and writing during the 1930s and 1940s on the nature of American Jewish identity, he also sought to reconcile Jewishness with the America of John Dewey.

Hook's goal was to convince American Jews to reformulate Jewishness so that it would be compatible with naturalism and secularism and with an American nationality which transcended the particularities of ethnicity and religion. Was there anything of value in Jewish culture, he pondered, which could persuade modern, secular, and educated American Jews to continue identifying as Jews? This question was also being asked at the same time by Mordecai Kaplan, another disciple of John Dewey, who agreed with Hook that naturalism had destroyed the traditional, supernatural *raison d'être* of Judaism.

While Kaplan argued for an American Jewish identity revolving around the Jewish people and not the Jewish God, Hook argued for an American Jewish identity revolving around a leftwing political, economic, and social agenda similar to Dewey's. Hook emphasized that to be a good Jew one had to be a good democrat, an advocate of leftwing economic and social remedies, and a staunch opponent of totalitari-

anism. "As Jews we plead guilty to the charge that we are defenders of the democratic way of life," he asserted in a lecture of the 1930s. The goal of Jews should be to become democracy's "most zealous defenders."

Hook's 1937 *Menorah Journal* essay, "Promise Without Dogma: A Social Philosophy for Jews," is his most important analysis of American Jewish identity. Here he claims that the essence of this identity lies not in language, custom, literature, religion, history, or nationality, but in the affinity of American Jewish culture for democratic, secular, and egalitarian "values."

As I interpret Jewish culture (he said), its noblest traditions have fused passion for social justice with respect for scientific method and knowledge. When Jews forsake this method, they forsake a precious part of their tradition.

Socialism, he said, was the most acceptable social philosophy for Jews since it alone wedded "the ideals of the good life in the good society to the methods of intelligent analysis and action." Hook's ideal Jew was also his ideal American, since both accepted the best of Marx and Dewey. By implication, a Jew committed to both Jewish identity and a conservative social and economic program was a contradiction in terms.

Hook's ahistorical reading of Jewish history could not appeal to Jewish survivalists since it did not possess any positive and distinctive Jewish content. As he readily admitted, the social philosophy that he recommended to Jews was equally applicable to Gentiles. Its ideal practitioner was, after all, John Dewey. Furthermore, the twentieth century's experience with socialism has hardly demonstrated that Jewish culture is most likely to flourish within a socialist state.

Hook's failure to develop a viable definition of Jewish identity was also hampered by his indifference to Zionism and his lukewarm interest in Israel. He was too much the American to accept the European Zionist belief in the inevitability of anti-Semitism, and he was too much the Marxist to adhere to a bourgeois nationalist ideology such as Zionism. It was simply incomprehensible to him that America would ever experience anything similar to the Dreyfus Affair, much less the Holocaust, and that American Jews would ever have to flee to Palestine. Having transcended American nationalism by an allegiance to a universalist ideal in which all men were brothers, he recalled, he was "not going to settle for a more parochial national ideal." Hook supported Palestine as a haven for persecuted Jews from Europe and North Africa, but he cautioned American Jews, in 1949, not to become intoxicated by Israel's military victories of 1948–49. "A people that has, by and large, been rational and pacific," he warned, now sought through militarism, ultra nationalism, and "the *mystique* of action . . . to prove that they are like everyone else—inconsistent, fanatical, atavistic."

Howe and Hook illustrate the tendency of American Jewish intel-

lectuals to use Jewishness as a support for whatever might be their current hobbyhorse. Thus, Lawrence H. Fuchs, a liberal Brandeis political scientist, argued in his *The Political Behavior of American Jews* (1956), that the distinguishing mark of the Jewish political ethic was its support for the modern welfare state. This refusal to take Judaism on its own terms, to consider the possibility that Judaism might be *sui generis*, was due, in part, to the intellectuals' understanding (or, better, lack of understanding) of Judaism.

The intellectuals' flight from Jewishness was not particularly traumatic. There had been little in their homes or schooling to convince them that Jewish culture was worth preserving. As was true of most immigrant Jews of the early twentieth century, their parents were intensely Jewish in an ethnic sense but poorly educated in Jewish matters. They comprehended little of the logic of Jewish belief or the significance of Jewish values. Their consuming passion was economic betterment and social mobility. Religious prohibitions—the Sabbath, the dietary laws, the observance of the holidays—quickly and quietly fell before the quest for the good life. “Sometimes the family was about all that was left of Jewishness; or, more accurately, all that we had left of Jewishness had come to rest in the family,” Howe recalled of his early years in the East Bronx. The New York intellectuals did not have to be weaned away from Jewish culture, since they had imbibed so little of it to begin with. For them, being Jewish was more a matter of inertia than of conviction.

Largely unlearned in Jewish matters, the first generation parents were helpless before the intellectual onslaughts of children demanding intellectual consistency. When Hook threatened not to go through with his Bar Mitzvah ceremony because of his disdain for religion, his parents did not try to dissuade him by appealing to Maimonides or Rashi. Rather, they successfully pleaded with him not to embarrass them before their relatives and neighbors.

Irving Howe's relationship with his father reveals the wide cultural gap between the first and second generation, a gap which was wider in the case of the intellectuals because of the difference between their education and that of their parents. “The day my father died,” Howe recalled, “I felt almost nothing.” During his father's last days Howe had done “all a son is supposed to do, but without generosity, without grace. . . . I knew myself to be unworthy, a son with a chilled heart.”

Howe's guilt was partially assuaged by writing *World of Our Fathers*, an effort to understand the significance of his father's life. “To make a myth of the man I should have mourned as a father, to cast him at the center of the only story I had to tell, was to reach a kind of peace between generations.” For the socialist Howe, the immigrant generation's socialism was not merely a political idea but “an encompassing culture, a style of perceiving and judging through which to structure

their lives." Not surprisingly, his history of that culture barely discusses Judaism or the immigrant's involvement in business.

The Judaism of Howe's parents' generation was an unstable mixture of nostalgia and rebellion. Thus, Kazin's paternal grandfather, although a socialist and an agnostic, knew the prayers by heart and would not think of mocking religion. (His son—Kazin's father—was also a radical and irreligious.) Howe's father was, likewise, "hardly pious," although he was also uncomfortable with the militant secularism of the Jewish socialists. These men were typical of their generation, a generation that, reverential memory has assured us, was steeped in Jewish learning and scrupulous in religious observance.

Nothing could be further from the truth. The sociologist, Charles Liebman, in his important essay on American Orthodoxy in the 1965 *American Jewish YearBook*, shows that the immigrants were intensely Jewish in an ethnic sense but were hardly paragons of religious traditionalism. Few observed the laws of family purity, hardly any sent their children to the small number of Jewish day schools, most kept kosher because of inertia and custom rather than because of conviction, and they included few authentic rabbis or scholars. According to Liebman, the revival of traditional Judaism in America occurred only in the 1920s, after the massive Jewish immigration from eastern Europe had ended.

The immigrants were products of an East European Jewish world in which Bundism, secular Zionism, and other ideologies had already mounted strong challenges to Orthodox hegemony, and in which secularization had accompanied rapid industrialization and urbanization. The immigrants, as the novels and short stories of Abraham Cahan reveal, wore Jewish tradition lightly. Immigration is itself a dramatic break with the past, and the majority of the immigrants viewed tradition as something to be surmounted rather than as an insuperable barrier to advancement.

European religious Jews, in contrast, generally refused to leave their revered religious leaders and religious institutions. Already by the turn of the century, European rabbinic leaders like Rabbi David Willowski warned their flocks not to immigrate to America "where even the stones are impure." A Jew risked his soul by resettling in this *treifa* land. These leaders emphasized that, in America, kashrut and laws of family purity were widely ignored, and that the Yiddish theaters on the Lower East Side were crowded on Friday night.

Except for Norman Podhoretz, who studied at the Jewish Theological Seminary while at Columbia University, the intellectuals received their formal Jewish education in Jewish culture and Judaism in dreary *heders*, and this generally ended while they were still in their early teens. "Judaism seemed mainly a mass of superstitions taught by tyrannical old men who brooked no contradiction or honest doubt," Hook recounted of his early years in Brooklyn prior to World War I. "There

was little familiarity with enlightened, alternative versions of Judaism.” The Jewish intellectuals were largely uninformed regarding Jewish matters. “We and our teachers,” Hook remembered, “were ignorant of most of Jewish history, except for its mythical dimensions.”

There was nothing in the vestigial and primitive Jewish culture that the intellectuals encountered at home or in school which could even remotely compete with what they learned in the streets of the Lower East Side, Brooklyn, and the Bronx, let alone at Columbia or Harvard. Quickly dismissing the quaint notion that Judaism had anything of value to contribute either to their lives or to American culture, they eagerly embraced western culture, but World War II undermined this confidence in western culture and Marxism. Faith in the possibility of beneficial, radical social and economic change was less convincing in the post-Auschwitz and post-*gulag* years. For a few Jewish intellectuals, like Will Herberg, such previously exotic notions as man’s propensity to sin, or divine punishment, now seemed to make more sense than did the nostrums of Marxism.

Most Jewish intellectuals, however, were not impressed by the religious revival of the post-World War II years. They found it to be superficial, meretricious, and false. But in an era in which no less a religious authority than President Eisenhower described Judaism as one of America’s three great religious faiths and Herberg published his *Protestant-Catholic-Jew* (1954), Judaism did not appear to the intellectuals to be quite so obscurantist and out-of-touch with American life. If they did not become believers, at least they tried to take its beliefs seriously. That, in the 1950s, Nathan Glazer and a few other intellectuals took part in a weekly Talmud class did not now seem so incongruous. Nor, in the post-Holocaust era, did it seem so incongruous that Irving Howe, the author of books on William Faulkner, Thomas Hardy, and Sherwood Anderson, should become interested in Yiddish literature.

The surprising thing about the Jewish intellectuals is not that their expressions of Jewish identity were so pale but that they rejected the easy path of assimilation. That supposedly “cosmopolitan” intellectuals should concern themselves with such a parochial matter as Jewish identity reveals the hold which Jewishness has had on even the most acculturated. If the intellectuals failed to resolve the tension between universalism and particularism, they were in good company. No one else has, either. This tension, as Leonard Fein said in his *Where Are We? The Inner Life of America’s Jews* (1988), “is not, as is so generally believed, a dilemma to be resolved but an existential condition to be lived and even savored. Alone, each is precious; together . . . they are an arch, two weaknesses leaning into a strength.”

Abraham and Moriah—A Journey to Fulfillment

BERNARD OCH

"AFTER THESE THINGS, GOD TESTED ABRAHAM, and said to him, 'Abraham!' And he said, 'Here I am'" (Genesis 22:1). These words introduce the climactic encounter between God and Abraham which is traditionally referred to as the Akedah, "the binding of Isaac." In nineteen verses, the events which transpire between God's call and Abraham's descent from Mount Moriah are described with an absolute minimum of detail and elaboration. God commands, yet His motives and purpose are undefined; Abraham obeys, yet his thoughts and feelings are unexpressed. "The decisive points of the narrative are emphasized, what lies between is nonexistent; time and place are undefined and call for interpretation; the whole, permeated with the most unrelieved suspense and directed towards a single goal, remains mysterious and fraught with background."¹ The brevity and obscurity of the text stand in sharp contrast to the ultimacy and significance of the event. Perhaps this is the intention of the narrator who may be implying that the uniqueness of the Akedah is such that language, per se, is inadequate to the task of describing this supreme act of Divine-human encounter.

The command to sacrifice Isaac is the final and ultimate trial of the man chosen by God to father a people and to be a blessing for all of mankind. It is prefaced by the words, "After these things," which serve to focus our attention on things to be remembered. Most traditional commentators have related this introductory phrase to certain specific events, real or imaginary, in the life of Abraham. It is our contention that, to be properly understood, the Akedah episode should be projected upon the widest of all backgrounds: acts and events of the most distant, as well as the near, past. The Akedah belongs not only to Abraham's life experience, but also relates to the entire history of mankind as portrayed in the Biblical narrative. It is the climactic event in a chronicle which begins, not with God's initial call to Abraham at Haran, but with His original design for humanity at creation.

1. Erich Auerbach, *Mimesis: The Representation of Reality in Western Literature* (Doubleday & Company, Inc., 1957) pp. 1-20.

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Abraham's actions are to be explained not only by what is happening at the moment, nor yet by his previous history, but by all that has transpired since the very creation of the world and humanity. Our exposition of the Akedah will, therefore, involve a two-fold pattern of exegesis: firstly, an analysis of the relationship between Abraham and primeval history, and secondly, an assessment of the Akedah event within the context of the Abraham narrative. The thematic correspondence of this two-fold exegesis is such that the Akedah is to Abraham as Abraham is to primeval history: both are symbolic representations of fulfillment. The difference is that, while the Akedah episode is the continuation and culmination of previous events in Abraham's life, the Abraham narrative is the reversal and negation of past history.

Thematically, the primeval period can be described as a progressive deterioration of the original unity and harmony of creation. Genesis 1–11 delineates two opposite and contradictory movements as Divine creation is contrasted with human decreation. Mankind's alienation from God is portrayed not as a onetime event but as an ongoing process of disobedience and rebellion, characterized by man's constant refusal to accept his creaturely finiteness and his efforts to acquire an independence and power which go beyond the limitations of human existence. This process of disintegration, with its disastrous consequences for mankind, is illustrated in a number of paradigmatic episodes which, together, constitute the period of primeval history that precedes the Abraham narrative: Eden, Cain, Flood and Babel. These are the generations of mankind from Adam to Abraham which have destroyed the original bond of creational harmony and have brought, in its stead, disunity and dispersion.

This is the background for the appearance of Abraham as the one chosen by God to reverse the process of disintegration and to recreate a metaphorical Eden on earth, a place of unity and harmony between God and man. Step by step, episode by episode, the Abraham narrative provides a symbolic recapitulation of the events of primeval history. Abraham's journey from Haran to Mount Moriah is to be seen as a reverse reenactment of mankind's wandering from Eden to Babel. The history of humanity is now encapsuled in the life cycle of one man who was chosen to lead mankind back to God. History not only repeats, but also reverses, itself as Abraham, retracing the footsteps of his predecessors, moves out of the world of chaos and confusion and back to the original harmony of creation.

God sets the stage for this drama of reconciliation and fulfillment in His initial address to Abraham at Haran.

Go from your country and your kindred and your father's house to the land that I will show you. And I will make of you a great nation, and I will bless you, and make your name great, and be a blessing. I will bless

those who bless you, and him who curses you I will curse; and by you all the families of the earth will bless themselves (Genesis 12:1–3).

In words reminiscent of His original act of creation out of primal chaos, God removes Abraham from the world of earthly chaos and sets him on a path which will eventually lead to reunion with God on Mount Moriah. The main thrust of God's promise to Abraham is to cancel the stigma of curse which has permeated all of primeval history, and to reaffirm His original intentions for mankind: land, posterity and a Divine-human relationship which will bring blessing to all humanity. For this purpose, God creates a new being who is to serve as the mediator and purveyor of Divine blessing to "all the families of the earth." God's promise to Abraham encompasses an historic space which extends in time to cover both a past and a future. The Abraham narrative serves as a multifaceted prism through which past events are refracted onto present experiences and future expectations. One individual, Abraham, is appointed to be the bridge of continuity over which the contingent acts of God advance towards their consummation.

The recapitulation and fulfillment theme connects Abraham to four central events in the primeval period: Eden, Cain, Flood and Babel. The Tower of Babel episode marks the final stage in primeval history and corresponds to the initial act of human transgression in the Garden of Eden. So understood, the primeval period exhibits the literary technique of inclusion, where the final episode in the story of human de-creation repeats and balances the first. In both instances, the individual and mankind as a whole are guilty of overstepping the limits of human, creaturely existence. The building of a tower, like the eating of a forbidden fruit, is an attempt to replace God as the center of human life by acquiring a security and independence in separation from God. Mankind's attempt to obtain security in physical, geographic terms has failed and brought in its stead the very confusion and dispersion which the people hoped to avoid.

At this point, the figure of Abraham is introduced as the embodiment of a new form of human existence which severs its bonds with the past, "Go from your country and your kindred and your father's house," in anticipation of the future, "And I will make of you a great nation, and I will bless you, and make your name great." The granting of a "great name" to Abraham can be seen as Divine fulfillment of the vain attempt to acquire a "name" at Babel. Here, God freely grants to Abraham what the people at Babel endeavor to secure arbitrarily by the building of a tower to the heavens.

The division and dispersion of humanity which mark the end of primeval history refocus our attention on the entire process of alienation and separation from God which began at Eden. From a thematic perspective, the Eden-Cain-Noah narratives are connected by a test/

failure theme which underlies Divine-human encounter throughout the primeval period. The test/failure motif indicates that the true nature of man is best revealed in the test predicament where the strength or weakness of the individual is exposed. In confrontation with God, man becomes aware of his full potential and freedom to accept or reject the will of God. Only then, does the individual's response-in-action attain its fullest meaning. Adam, Cain and Noah, the three protagonists of primeval history, are chosen by God, tested, and then rejected. Each one is addressed directly in the context of a specific, concrete situation: Adam with the Tree of Knowledge, Cain with the sacrifice, and Noah with the flood. It is only when the individual who is tested has failed that a successor is chosen, for the act of election posits both a past failure as well as a future expectation. Thus, the Biblical narrative moves from Adam to Cain to Noah and, finally, to Abraham, who will serve as the fulfillment of past failings and defections. Abraham's life cycle, therefore, embodies a contrasting test/fulfillment theme which provides the counterpoint and answer to the test/failure experiences of his predecessors. Where Adam, Cain and Noah have failed, Abraham succeeds and emerges as the complete human being worthy of Divine election.

In the Garden of Eden, Adam's test is that of obedience to the word of God as embodied in the prohibition concerning the Tree of Knowledge. Intentionally, God's command is neither explained nor elucidated, thereby placing the burden of acceptance or rejection entirely on the shoulders of Adam. It leaves no room for interpretation or application, only for obedience or disobedience. The unconditional command can only be listened to and obeyed if the recipient has complete trust and confidence in the God who commands. Eating from the Tree of Knowledge is the external expression of Adam's lack of faith in God and his unwillingness to submit himself, unhesitatingly, to Divine authority.

Within the context of the Abraham narrative, the Akedah event provides the test/fulfillment counterpart to Adam's test/failure experience in Eden. Similarly, faced with a command of extreme incomprehensibility, Abraham, in contrast to Adam, responds to the word of God with absolute obedience and trust. This is the force of Abraham's response, "Here I am," which precedes the command to sacrifice and, thereby, reverses the normal sequence of command-response. Abraham proclaims his complete readiness to obey prior to hearing the specific command. "God tested Abraham, and said to him, 'Abraham!' And he said, 'Here I am.' He said, 'Take your son, your only son . . .'" (Genesis 22:1-2). Where Adam rejects the word of God, Abraham responds with the entirety of his being in a relation of total acceptance towards the presence of God. Through the eating of a forbidden fruit, Adam has removed himself from God and broken the essential harmony of

creation. Through the offering of Isaac, “the fruit of his body,”² Abraham restores the original relationship of obedience to God.

The Biblical narrative moves on to the second test/failure confrontation in the Cain and Abel episode. At the very outset, in the naming process, the text clearly indicates which of the two brothers has been chosen to encounter God in the test situation. “Now Adam knew Eve his wife, and she conceived and bore Cain, saying, ‘I have created a man with the Lord.’ And again, she bore his brother Abel” (Genesis 4:1–2). With the naming of Cain, Eve attempts to relate her generative power to God’s creative power, thereby connecting her first born son to the blessing which accompanied the original act of Divine creation. Metaphorically, Eve wishes to secure for her son the “image of God” which was corrupted by the initial act of human disobedience and the subsequent expulsion from Eden. Cain, therefore, can be understood as a symbolic representation of the possibility of Divine-human reconciliation outside of Eden. Paradoxically, Eve’s proclamation of partnership in the creational work of God also contains a residue of the arrogance which led to the eating of the forbidden fruit, namely, the striving for autonomy and equality with God. Unwittingly, yet tragically, Eve bequeaths to her son the potential not only for reconciliation and blessing but also for rebellion and curse. The Cain and Abel episode is, therefore, the story of Cain and his test encounter with God. Abel is completely in the background; he enters the tale as Cain’s brother and exists as Cain’s victim, the passive victim whose voice is not heard throughout the entire narrative. Only his blood cries out after his death.

In contrast to his father, Adam, Cain’s test involves acceptance of God’s act of rejection rather than obedience to God’s command of limitation. In both instances, the act and the command are unexplained and unreasonable. Despite the many attempts by commentators to find some textual justification for God’s disfavor, no explicit reason is provided in the narrative. The act of rejection, like the command to obedience, goes beyond human understanding and manipulation, and, consequently, can be accepted only within a relationship of trust in God. The tension of Cain’s dilemma is that the rejection occurs unexpectedly and inexplicably, with no apparent sense to the choice of God. Cain’s struggle is to attain internal control over external non-sense. He must master his frustration at manifest injustice so as to overcome the test with dignity and trust in God. This is precisely what he is unable to do. His anger at God fuels a jealousy and a rage towards his brother which erupt into violence and murder. Cain reacts to God’s “unjust” rejection with a deed of extreme injustice that destroys the essential bond of brotherly unity. The act of fratricide goes beyond the obliteration of life, and points to a complete denial of the humanity and responsibility

2. Micah 6:6–7.

which constitute the basis for human existence in community. The insolent and callous disavowal of fraternal responsibility, “Am I my brother’s keeper?” betrays the disposition of one who has already cut himself off from his fellow human being even prior to the act of murder and the consequent ostracism with which the deed is punished.

In the Abraham narrative, the fulfillment counterpart to the Cain episode can be found in the Abraham-Lot relationship, which provides a contrasting example of familial relations and responsibilities in moments of conflict and stress. The first confrontation between Abraham and Lot arises following a dispute among their herdsmen over the availability of land for pasture (Genesis 13). In contrast to Cain’s egotism and jealousy, Abraham reacts with a magnanimity and selflessness which defuse a situation of potential strife and conflict.

Then Abraham said to Lot, “Let there be no strife between you and me, for we are kinsmen (*aḥim*). Is not the whole land before you? Separate yourself from me. If you take the left hand, then I will go to the right; or if you take the right hand, I will go to the left” (Genesis 13:8–9).

Although Abraham, like Cain, is the elder, he, nevertheless, relinquishes his prerogative as paterfamilias and enjoins his nephew to make the initial choice of land. Here, the inability of kinsmen/brothers (*aḥim*) to live together in harmony is resolved by a peaceful separation rather than a violent elimination.

The Flood episode provides the final exposition of the test/failure theme in primeval history. Like Adam and Cain before him, Noah is chosen by God but, unlike his predecessors, his incorporation within the test/failure scheme is problematic, for Noah, it would appear, is the perfect individual who is described as having found favor in the eyes of the Lord, “a righteous man, blameless in his generations, who walked with God” (Genesis 6:9). The apparent “perfection” of Noah casts doubt, not only on the applicability of the test/failure theme, but, also, on the fulfillment role of Abraham. If Noah is, indeed, a paradigm of human perfection, then Abraham becomes redundant, if not superfluous.³

The ambiguity which attaches to the figure of Noah can be understood as arising from his unique position in the genealogical tables. Born ten generations after Adam and ten generations before Abraham, Noah occupies a climactic turning point in primeval history. Linked to the past and the future, he stands at the watershed of past failure and future promise. Vis-à-vis previous generations, he is portrayed as a mit-

3. A number of Rabbinic commentators attempted to solve this dilemma by interpreting the text to show that Noah’s righteousness was of a decidedly relative, and not an absolute, nature. In their opinion, the phrase, “in his generations,” serves a qualifying and limiting function, and indicates that “only by comparison with his exceptionally wicked contemporaries did Noah stand out as a righteous man; but had he lived in the time of Abraham, he would have been insignificant.” See Rashi’s commentary on Genesis 6:9.

igator of God's curse (Genesis 3:17) who provides hope and comfort outside of Eden.

Lemech became the father of a son, and he called his name Noah, saying, "Out of the ground which the Lord has cursed this one shall bring us relief from our work and the toil of our hands" (Genesis 5:28–29).

Vis-à-vis future generations, Noah serves as the recipient of Divine blessing and promise: blessing which reaffirms mankind's propagative capacity, "Be fruitful and multiply, and fill the earth" (Genesis 9:1) and the covenantal promise which guarantees the constancy and preservation of nature, "While the earth remains, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease" (Genesis 8:22). It should be pointed out, however, that both blessing and covenant are one-dimensional in scope and serve an exclusively preservative function ensuring the physical survival of mankind and nature.

Noah, indeed stands on the threshold of a new beginning, a recreation which, however, does not extend beyond the confines of propagation and preservation. Man, in his essential nature and in his relationship with God, has not changed; "the evil imagination of man's heart" remains constant, unaffected by the flood catastrophe. Noah and his family survive and serve as the nucleus for human life in a renewed world. This is the extent of Noah's impact on future generations. Mankind survives, but there is no indication, whatsoever, of Divine-human reconciliation. If anything, the distance between man and God seems to have grown. The flood waters have obliterated the effects of wickedness, but not its source, which remains embedded in the heart of man. In this connection, the flood narrative is permeated with a sense of Divine disappointment: with mankind, for its unremitting corruption; with Noah, for his unrealized potential.

The flood event can be understood, therefore, as constituting a critical turning point, not only for mankind, but, also, for Noah himself. For mankind, it is both a punishment for past sin and an opening for future reconciliation; for Noah, it is a test of present worthiness. How will Noah react to God's determination "to make an end to all flesh"? The narrative, itself, is mute on this point and reveals no response by Noah other than his strict adherence to God's command to build an ark. "Noah did this; he did all that God commanded him" (Genesis 6:22). Noah's relationship to God is one of silent obedience; there is no interaction, no Divine-human discourse.

Regarding the absence of dialogue, the Midrash imagined the following conversation to have taken place after the flood:

And Noah said to God, "Oh, Lord of the world! You are called merciful, and you should have had mercy on Your creatures." God answered, "Oh you foolish shepherd, now you speak to me! You did not when I addressed kind words to you saying, 'I saw you as a righteous man and perfect in his generations, and I will bring the flood to destroy all flesh.

Make an ark for yourself.' Thus I spoke to you that you might entreat mercy for the earth. But as soon as you heard that you would be rescued in the ark, you did not concern yourself about the ruin that would strike the earth. You only built an ark for yourself, in which you were saved. Now that the earth is destroyed, you open your mouth to supplicate and pray."⁴

Noah's silence is seen as a lack of compassion which prevents him from going beyond the announcement of Divine punishment in order to plead for Divine mercy. He does not realize that God's address may require of him a response other than his automatic, almost robotlike, obedience to Divine instructions. Noah, therefore, emerges from the flood narrative as the detached observer of human destruction rather than the involved interceder for Divine forgiveness. Aloof and unmoved by the impending doom and devastation, Noah, it would appear, had already cut himself off from his fellowman even prior to entering the ark.

In the Abraham narrative, the destruction of Sodom provides a microcosmic counterpart to the flood event. These two episodes contain a number of striking similarities: the announcements of destruction are preceded by a Divine soliloquy or reflection, foreknowledge of the impending doom is granted to one individual whose righteousness is contrasted with that of his fellow human beings, the cause of punishment is sin and wickedness, the agents of punishment are forces of nature which "rain down" from above, and the devastation is total, except for one family which survives.

This schematic correspondence, however, does not apply to the protagonists and their response to God's pronouncements of punishment. Whereas Noah reacts in silent obedience, Abraham immediately engages God in conversation. He is the first individual who not only responds to Divine query but actually initiates Divine-human dialogue. Abraham's response-ability to God is an expression of his responsibility to his fellowman. B. Jacob writes, "For the first time, man not only answers in a discussion with God, but begins the discussion; this is God's design. Abraham shall be the voice of humanity in God's council and court. God wants intercession and Abraham shall be its mouthpiece."⁵ Unlike Noah, who has wrapped himself in detached silence, Abraham, out of compassion and concern, actively intercedes before God on behalf of his fellow human being. Paradoxically, in the very questioning of God, Abraham actualizes his God-given potential to serve as mediator between heaven and earth. The conversation with God concludes with the words, "And the Lord went His way, when He had finished speaking to Abraham" (Genesis 18:33). God and Abraham, who have come together in dialogic encounter, now go their separate ways, yet

4. L. Ginzberg, *Legends of the Bible*, p. 78.

5. B. Jacob, *The First Book of the Bible*, pp. 120–21.

they remain united in inner harmony and agreement. The catastrophe has not been averted, but the bond between Abraham and God has been deepened and strengthened.

Adam, Cain and Noah are the protagonists of primeval history who are chosen, tested, and found wanting by God. Their test/failure experiences provide a unified portrayal of the gradual disintegration and alienation of mankind. "The narrative indicates that man, forever outside of Eden, is, like Adam, in exile; like Cain, a wanderer and fugitive; like those drowned in the flood, in darkness; like those at the Tower of Babel, in confusion."⁶ This is the background against which Abraham appears as the anti-type who fulfills in his person and accomplishments the failings of his predecessors and, in so doing, proves himself worthy of Divine election. Abraham's journey from Haran to Moriah is a reversal of the process of disintegration which accompanied mankind in its wanderings from Eden to Babel, and a recapitulation of God's original intentions for humanity. In contrast to the curses and reproaches of primeval history, Abraham's life is infused with blessing and promise of a renewal of human existence with God. Land and posterity are reinstated as elements of Divine promise, but they are now placed under the umbrage of a blessing which can only be understood against the background of the "curse" episodes that precede the Abraham narrative. God, who has said to Adam, "Dust thou art" (Genesis 3:19), a description that Abraham remembers, "I am but dust and ashes" (Genesis 18:27), now says to Abraham, "Be a blessing" (Genesis 12:2).

Abraham's life experiences are way stations on a journey from Haran, the scene of chaos and confusion, to Moriah, the site of reconciliation and fulfillment. The narrative moves slowly, even tortuously, towards its preordained destination and encompasses a series of events which serve as preparation and qualification for the final and consummate act of Divine-human encounter on Moriah. God's initial address at Haran places Abraham on a road that leads to a new land and a new existence which are permeated, however, with a heavy sense of uncertainty and insecurity. Paradoxically, God's promise binds Abraham to a future which is highly incongruous with the possibilities inherent in the present and creates an interval of tension between promise announcement and fulfillment. Abraham is promised land and progeny, yet the text, at the very outset, makes sure to point out that Sara is barren and the land is occupied and unproductive. At this initial stage, neither wife nor land, the components of blessing, is endowed with the generative capacity necessary to ensure promise fulfillment.

The sense of insecurity is immediately heightened when Abraham descends to Egypt because of a famine in Canaan. The "barrenness" of

6. Kenneth R. R. Gros Louis, *Literary Interpretations of Biblical Narratives*, Vol. II (Abingdon, 1982) p. 52.

the land and the “beauty” of Sara intertwine to create a situation which threatens the entire promise enterprise. Ironically, Abraham’s decision to abandon both land and wife, while eliminating immediate dangers to his sustenance and survival, set in motion events which jeopardize the very feasibility of promise fulfillment. The final irony, of course, is the fact that Abraham, the bearer of promise, becomes the endangerer of promise. The Egypt episode, which is repeated with slight variations in Genesis 20, points to the extreme incompatibility between human actions and Divine intentions, between a God who has a plan for human history and the individuals who participate in the unfolding of this plan but with a limited and incomplete understanding of its scope.

The gap between human and Divine perception is further illustrated in the events that lead up to the birth of Isaac and which give rise to the doubt that measures the word of God by the standard of present reality. Even God’s specific assurance to Abraham that Sarah will give birth to a son does not dispel his anxiety and uncertainty.

Then Abraham fell on his face and laughed, and said to himself, “Shall a child be born to a man who is one hundred years old? Shall Sarah who is ninety years old, bear a child?” And Abraham said to God, “Oh that Ishmael might live in Thy sight!” (Genesis 17:17–18)

At this point in Abraham’s life, God’s promise does, indeed, seem laughable, given the limitations ascribed to Abraham and Sarah as prospective parents.

The sense of insecurity reaches its climax in an event which reveals the extreme uncertainty and ambiguity inherent in God’s promise-fulfillment relationship to Abraham. The command to sacrifice Isaac constitutes the ultimate threat to promise fulfillment which arises not from existent reality or experience, not from Abraham or Sarah, the bearers of promise, but from God, the originator and source of promise. At that very stage in Abraham’s life where promise and fulfillment have finally converged, God, Himself, appears as the endangerer of fulfillment. The narrative has now come full cycle, from God’s initial command to abandon the security of the parental home, to the final call to leave the safety of one’s own home, in both instances to journey towards an unknown destination. From beginning to end, Abraham’s life is fraught with uncertainty, danger and the ultimate threat of “Godforsakenness.”⁷ Paradoxically, the God who has chosen Abraham vouchsafes insecurity as the concomitant of a Divine election that signifies a special destiny, not a special security.

The precariousness of Abraham’s existence comes not only to test, but, also, to teach, as it awakens within Abraham a deeper understanding of his relationship to God. The gradual narrowing of the gap between what seems to be and what is, between appearance and reality,

7. See Gerhard Von Rad, *Genesis* (SCM Press Ltd., 1966), pp. 239–240.

sets up a harmony of incongruities which leads Abraham to comprehend the true meaning of his existence. In Abraham, God has created a unique individual whose life and destiny will be completely determined by the will and word of God. Land and progeny, the components of blessing, are taken from the normal constructs of human existence and placed under God's direct authority and control. With Abraham, the natural genealogies of the past are replaced by a "Divine genealogy" wherein the birth of a son/heir is no longer dependent upon the natural constraints of age and fertility. The same applies to the acquisition of land, which is removed from the realm of human action and history. Both land and progeny have become exclusive Divine prerogatives to be bestowed upon Abraham according to God's will and design.

This is the thrust of God's promise relationship to Abraham which points away from the appearances in which it is uttered towards the, as yet, unrealized future that it announces. The fulfillment of God's promise is, in no way, connected to normal events and experience, but arises solely from that which is possible to the God of promise. The word of God can, therefore, contain an element of arbitrariness and even self-contradiction without losing its character of expectation and certainty. Abraham's sense of security lies not in any demonstrable congruity between promise and reality, but, rather, in his complete trust in the source of promise. It is not Abraham's experiences which generate trust and faith; it is his trust and faith which generate experiences that enable Abraham to transcend present reality and move towards a future which will correspond with Divine promise.

This journey towards the future involves a series of separation events which serve to remove Abraham from the normal time-space constructs of human existence. Step by step, Abraham cuts himself off from past history, present relationships, and future expectations. The narrative indicates that chosenness implies separateness; to be chosen means to live apart, beyond the boundaries and constraints of ordinary existence. The parameters of separation are set forth in God's initial call at Haran and in His final command at Moriah. At Haran, Abraham is commanded radically to remove himself from all past ties and natural bonds. The command, "Go from your country and your kindred and your father's house," is more than a test of obedience and symbolizes Abraham's entrance into a new realm of being reminiscent of God's original intentions for mankind. At the age of 75, Abraham stands before God as a "tabula rasa;" a man without country, kindred or parental ties, a man without a history or a past. For all intents and purposes, Abraham has been reduced to a kind of "non-being" out of which he will be re-created by the word of God and refashioned in the image of God.

The final act of separation takes place on Mount Moriah, where the process of disengagement is completed. Prior to the Moriah event, however, Abraham undergoes two intermediate separation experiences

which, while not Divinely initiated, are accepted and sanctioned by God. Lot and Hagar/Ishmael are the familial protagonists who must be removed from center stage so as not to confuse the ordained order of promise succession. At this point of promise fulfillment, Divine blessing is both indivisible and exclusive; it can be neither shared nor apportioned. Sarah, in her desire to be rid of Hagar, expresses this sense of exclusiveness, "Cast out this slave woman with her son; for the son of this slave woman shall not be heir with my son Isaac" (Genesis 21:10). Acting out of jealousy and selfishness, Sarah has, nevertheless, aligned herself with God's will and design. "But God said to Abraham, 'Be not displeased . . . whatever Sarah says to you, do as she tells you, for through Isaac shall your descendants be named'" (Genesis 21:12).⁸

The separation from Lot is of special significance to the Abraham narrative inasmuch as Lot, unlike Hagar/Ishmael, appears not as the rival but as the anti-type to promise fulfillment. The figure of Lot can be seen as a symbolic representation of the disintegrative forces of primeval history which continued on into the Patriarchal period. Like Eve, Lot is enticed by the sight of his eyes; like Cain, he is motivated by selfish, egotistical drives; like Noah, he is degraded by his offspring while in a drunken stupor. The lives and destinies of Abraham and Lot, although starting from the same point, move in opposite directions.

Lot is shrinking as an individual, being reduced to the narrowness of his vision, as he moves away from Abraham's grand vision to the city of Sodom, to the little city of Zohar, to the cave in the hills, to the smallness of his own family and the inbreeding of his descendants through his daughters. Abraham, on the other hand, expands in space and then in time, his descendants to be as numerous as the dust of the earth, as the stars of the heavens.⁹

Whereas Lot enters into the dark confines of a cave in a final perversion of the concepts of fruitfulness and possession, Abraham ascends to the top of a mountain in a final reaffirmation of Divine promise and blessing. Such is the radical contrast between these two figures.

With Lot and Ishmael relegated to the background, the uncertainty of promise succession has been resolved. With God's intervention in Egypt and Gerar, the threat to promise fulfillment has been removed. As these events interlace, God and Abraham, initially separated by the differences between Divine and human perceptions and intentions, move

8. At a later stage, Abraham, himself, confirms the exclusivity of blessing when he divides his possessions amongst his sons prior to his death. "Abraham gave all he had to Isaac. But to the sons of his concubines Abraham gave gifts, and while he was still living he sent them away from his son Isaac, eastward to the east country" (Genesis 25:5-6). The eastward direction, perhaps, contains an illusion to past events and people: to Cain, "Then Cain went away from the presence of the Lord, and dwelt in the land of Nod, east of Eden," and to Lot, "And Lot journeyed east; thus they separated from each other," and indicates a separation from the Divine source of blessing as well as its human agent.

9. Kenneth R. R. Gros Louis, *Op. cit.*, p. 64.

into harmony and congruity. Here, at the very moment when promise and fulfillment seem to have finally converged, God speaks to Abraham for the last time.

God tested Abraham, and said to him, "Abraham!" And he said, "Here I am." He said, "Take your son, your only son, whom you love, Isaac, and go to the land of Moriah, and offer him there as a burnt offering upon one of the mountains of which I shall tell you."

In words which echo God's initial call at Haran, Abraham is now commanded to undertake the supreme act of separation. When Abraham left Haran, he was sacrificing his past, leaving country and kinsmen, sustained by a promise; now he is being asked to sacrifice his future, the God-promised future. These two commands symbolize Abraham's separation from the temporal and finite categories of human existence and his entrance into a new realm of being which is defined entirely by the will of God. In the deepest sense, Abraham is no longer the object of command; he is the embodiment of command. With Abraham, command and response have merged in an expression of absolute trust and obedience; his response is no longer one possibility among the many, but the only possibility because it is the will of God. At this point, the word of God has become a part of Abraham's essential being and is now heard, not only as a voice from without, but, also, as the silent voice of his own inner self.

God's command is followed by Abraham's action, "So Abraham rose early in the morning." There is no hesitation, no indecision, no agonizing delay. With Abraham, "hearing" is "doing"; there are no feelings and emotions which can be separated from conduct and action. Abraham's deeds are a revelation of his being, a unity of the inward with the outward as the inward goes into action in the outward.

The concise, laconic sequence of events: address-response-command-action conveys a sense of expectation and congruity. No mention whatsoever is made of inner tension or turmoil. In contrast to previous situations where Abraham either questioned Divine intentions or expressed dismay at the abandonment of a son, here there is only the silence of acceptance. Abraham understands what God requires of him; his actions are in conformity, not in conflict, with his feelings. This is the moment that both Abraham and God have been waiting and preparing for since they set out together from Haran. The journey to Moriah is not a negation of past events and promises, but their consummation: a microcosm of Abraham's entire lifelong journey with God, the final predestined step on a road, not to God forsakenness or oblivion, but to reconciliation and fulfillment.

God's command to sacrifice Isaac goes far beyond a specific test of obedience and embraces the totality of Abraham's life. It enjoins not only obligation but, also, permission, as it sets Abraham free from the constraints and ties of earthly existence. Isaac represents the final and

deepest attachment to life on earth, the ultimate bond which must be broken and redirected before Abraham can enter into a new realm of being. The journey to Moriah can be seen as a rite of passage from the profane to the sacred, from existential to essential being. It involves separation from earthly life, transition and incorporation into a new realm of being and, then, reentry into the finite world. The command to sacrifice Isaac symbolizes Abraham's removal from the time-space constructs of existential existence. It signifies the end of Abraham's being-in-the-world and provides access to a new mode of being not subject to the limiting influence of time and space. Paradoxically, this transition from existential to essential being entails not only separation from Isaac, the future agent of promise, but, also, separation from God in His role as guarantor of promise. In order to reinstate the original, essential relationship with God, Abraham must abandon the earthly, finite components of his existential relationship with God. Divested of all earthly ties, both human and Divine, Abraham now enters a state of essential being where God is no longer experienced as the guarantor of worldly promise, but as the Creator and center of all being.

Abraham's arrival at Mount Moriah is preceded by a journey of three days: "On the third day Abraham lifted up his eyes and saw the place afar off." The significance of this three day journey can, perhaps, be best understood if it is juxtaposed to a similar period of time at Mount Sinai. "And the Lord said to Moses, 'Go to the people and consecrate them today and tomorrow . . . and be ready by the third day; for on the third day the Lord will come down on Mount Sinai in the sight of all the people'" (Exodus 19:10-11). Both at Moriah and Sinai, the three day time intervals are liminal periods of transition and preparation in anticipation of a theophanic event of Divine-human reconciliation.

"Then Abraham said to his young men, 'Stay here with the ass; I and the lad will go yonder and worship, and come again to you.'" The young men accompanying Abraham represent his final contact with this-world reality. The foot of Mount Moriah, like the foot of Mount Sinai (Exodus 19), marks the threshold of sacred space, the boundary between the finite world of becoming and the Divine realm of essential being—the threshold beyond which only those called by God can pass. The two young men remain behind; Abraham and Isaac continue on.

The slow trek up the mountain is interrupted by a conversation between father and son which is of crucial importance to an understanding of Abraham's role in this drama of reconciliation. The journey of fulfillment centers upon an act in which regard for the self is completely eliminated, an act which necessitates the abandonment of self-centeredness, but not selfhood. The highest level of commitment to God is not the negation of self-identity but the subjection of one's particular will to the universal will of God. The father-son conversation reasserts

Abraham's identity and particularly as the father of Isaac. "And Isaac said to his father Abraham, 'My Father!' And he said, 'Here I am, My Son.'" Although Abraham crosses the boundary between the profane and the sacred, there is no apotheosis, no transformation or absorption of the human into the Divine. Throughout the entire episode, Abraham retains his human, finite, paternal identity; the father-son relationship remains intact. Viewed thus, the conversation with Isaac complements, rather than complicates, the command of God. Abraham can only answer the call of God by answering the call of Isaac. The reiterative response, "Here I am," signifies Abraham's answerability both to God and to Isaac; he is, at one and the same time, servant of God and father of Isaac.

On Moriah, Abraham arrives at this final destination, the site chosen by God for the ultimate act of Divine-human encounter. Freed of all existential bonds, Abraham stands alone before God, a new being within a new realm of essential being which corresponds to the original scene at creation. The theophany at Moriah can be seen as a *regressus ad initium*, a return to beginnings—a reenactment of the original creational encounter between God and man. At Eden, Adam broke the bond of essential harmony by an act of disobedience occasioned by his refusal to accept the limits which God had set for him. Adam's act is paradigmatic and represents the unwillingness of man to acknowledge his creatureliness and dependence. Eating from the Tree of Knowledge is the symbolic expression of man's desire to cross the line which separates creature from Creator, thereby supplanting God as the center and source of life. Man emerges as the rival of God who wishes to live in his own self-centeredness, in his own image. Through an act of disobedience, the "image of God" is corrupted and replaced by the image of man.

Despite his utmost endeavors, the human being never ceases to be an image—either an *Imago Dei* or an *imago hominis*. This contrast of images is, perhaps, alluded to in the passages describing the birth of Seth.

When God created man, He made him in the likeness of God. Male and female He created them, and he blessed them and named them Man when they were created. When Adam had lived a hundred and thirty years, he became the father of a son in his own likeness, after his image, and named him Seth (Genesis 5:1–3).

Originally, man was created in the image of God but now his likeness to God is derivative and defective. What God had freely granted man to be, man now desires to be by himself. Henceforth, mankind bears the image of man, and lives in and from a deficient world alienated from the Divine source of blessing. Adam, banished from Eden "to till the ground," Cain, "a tiller of the ground," and Noah, "the first tiller of the soil" are all examples of a flawed humanity inextricably tied to

the earth which has been divested of its divinely appointed generative power. In his desire to become like God, man has lost his God-like image as he wanders in ignorance and confusion, trapped within the slow movement of time and human history. This is the alienated, entrapped condition of mankind which is broken and refashioned by Abraham and God on Mount Moriah.

The symbolic return to beginnings at Moriah recreates the original Divine-human encounter at Eden and reactivates the Divine blessing which had then been manifested for the first time. By abandoning the never-ending human effort to become like God, Abraham restores the original image of God and reinstates the essential harmony which had existed prior to Adam's act of defiance: man in obedience to God, man in community with his fellow being ("So they went both of them together"), and man in dominion over the animal.¹⁰

Abraham at Moriah is the fulfillment and answer to Adam at Eden. Although the figure of Abraham reflects the figure of Adam, he is no mere repetition or restoration of his predecessor. In symbolic terms, Abraham is a "second Adam" who surpasses the first Adam in the very act of restoring and fulfilling the original design of creation. Abraham against Adam; Godlike man against man-like-God. Abraham bound to the word of God and living in the unity of obedience; Adam bound to the depths of his own being and living in disunion with God. Through Abraham, man, once again, gains a knowledge of God, no longer as one who wishes to become like God, but as one who bears the image of God.

From a typological perspective, the figure of Abraham is foreseen and anticipated in the Creation/ Eden account. A Midrash on the verse, "These are the generations of the heavens and the earth when they were created (*b'hebaram*)" states that the Hebrew word, "*b'hebaram*," is an anagram for "Abraham" and teaches that the entire world was created in anticipation of Abraham.¹¹ In its unique way, the Midrash intimates that Creation, Eden and Moriah are interrelated events, moments in a continuous, cumulative process that moves from unity to disintegration to reconciliation. On Moriah, heaven and earth are once again reunited. It is appropriate therefore, that the theophany should conclude with a blessing which, for the first time, connects the metaphors that were earlier separated (Genesis 13:16 and 15:5) and that

10. The ram can, perhaps, be seen as a counterpoint to the serpent. The serpent who actively initiates the process of human disobedience is now replaced by the ram who passively submits to and participates in the ultimate act of obedience. A Midrash actually connects the ram to the creation event and states that the ram was created by God in the twilight of Sabbath eve in the week of creation and was kept, since then, in the garden of Eden in anticipation of the sacrifice on Mount Moriah. (Louis Ginzberg, *Legends of the Jews* [Jewish Publication Society, 1956], p. 133).

11. Midrash *Genesis Rabba*, chap. 12, sec. 9.

suggest a link between heaven and earth, "I will multiply your descendants as the stars of the heaven *and* as the sand which is on earth."

"So Abraham returned to his young men and they arose and went together to Beer-Sheba." Abraham leaves the mountain and reenters the realm of finite, human existence. The world has not changed but Abraham has; he emerges from his encounter with God a new being who is now the embodiment and bearer of Divine blessing for all humanity. "By myself, I have sworn says the Lord, because you have done this I will bless you . . . and by your descendants shall all the nations of the earth bless themselves." Abraham's journey has come to its end. But the end is also a beginning—a new beginning for Abraham, his people and all of humanity. Abraham has restored to mankind its authentic being and the original possibilities which God granted to man and to the world at creation.

The journey of man and God continues but, from now on, the focus is no longer on an individual but on a people. The people of Israel who, like their father Abraham, will be taken from the family of nations and placed on a road whose direction and destination lie entirely in God's hands, a road which leads to a new land and a new existence. God's promise/blessing creates a sense of continuity as it directs and guides Abraham and his people towards a fulfillment-future. The figure of Abraham, therefore, provides not only an answer to the past but also a prophetic glance into the future. The Abraham narrative presents a microcosmic description of the history and destiny of Israel and its future relationship with God. Eden, Moriah and Sinai are the three sacred places chosen by God for Divine-human encounter. Eden, where essential harmony is broken; Moriah, where man and God are reconciled; Sinai, where God and a people enter into eternal covenant. Moriah is the mid-point, the catalytic event, wherein man returns to God and, thereby, prepares the way which will eventually lead to Sinai. Vis-à-vis the past, Moriah is reconciliation and restoration; vis-à-vis the future, Moriah is preparation and qualification. Without Moriah there would be no Sinai. This is the significance of Moriah, the greatness of Abraham. The words which God addressed to Abraham, "I am the Lord who brought you out of Ur of the Chaldeans" (Genesis 15:7) will echo forth from Mount Sinai, "I am the Lord your God who brought you out of the land of Egypt" (Exodus 20:2).

Elie Wiesel's Messianism of the Unredeemed

MAURICE FRIEDMAN

Standing, bound and shackled, in the pillory of mankind, we demonstrate with the bloody body of our people the unredeemedness of the world.—

Martin Buber

MESSIANISM—THE CONCERN NOT ONLY FOR individual salvation but for the completion of God's creation, the redemption of God's world—has a long history in Judaism. In Elie Wiesel's writings, correspondingly, we can distinguish successive layers of messianism and messianic concern—biblical, kabbalistic, and Hasidic—all of which set the stage for the messianism of the unredeemed (my phrase) which emerges from the Holocaust world.¹

Wiesel's biblical messianism does not center on the exact prescriptions for the coming of the Messiah but on the concern for life, the covenant between one human being and another.

We believe in defiance. We Jews believe that no matter how strong the enemy, no matter how serious the danger, man is capable of defying both. Man should defy what tries to destroy him. If it is done with dignity and humanity, in the name of friendship, then the defiance may become redemption.²

As a child, Wiesel was deeply immersed in the Kabbalah, the esoteric tradition of Jewish mysticism, and overtones of kabbalistic messianism and the search for the Messiah run through all of his works. Equally important is the Hasidic messianism which grows out of, but also goes beyond, the kabbalistic. In *Souls on Fire*, Wiesel tells a story of the Baal Shem's longing to bring the Messiah, a tale, says the author, that contains most of the basic elements of Hasidism:

1. For a comprehensive treatment of the whole corpus of Elie Wiesel see Maurice Friedman, *Abraham Joshua Heschel and Elie Wiesel: "You Are My Witnesses"* (New York: Farrar, Straus, & Giroux, 1987), which also serves as the general foundation for this essay.

2. Elie Wiesel, "A Tale of Defiance," Transcript, *The Eternal Light*, Chapter 1192, March 9, 1975, quoted in Introduction to *Against Silence: The Voice and Vision of Elie Wiesel*, selected and edited by Irving Abrahamson (New York: Holocaust Library, 1985), Vol. 1, p. 50.

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The fervent waiting, the longing for redemption; the erratic wandering over untraveled roads; the link between man and his Creator, between the individual act and its repercussions in the celestial spheres; the importance of ordinary words; the accent on fervor and on friendship too; the concept of miracles performed by man for man.³

A Hasid is one who shares solidarity with other Hasidim and feels responsible for their fate. God, too, is ally of man inside creation and needs man's love. But if one is not to reduce God to an abstraction, one must love Him in and through man. Through concrete actions man can gather in the dispersed sparks and uplift them to their divine source. "Man's role is to mitigate solitude." Every encounter, every meeting between one human being and another quickens the steps of the Redeemer. In imposing meaning on creation through accepting one another, two human creatures give meaning to creation. The new idea introduced by Hasidism is that it is within the power of every person to modify the very laws which imprison us. We can accept our contradictions, discovering humility within pride, simplicity within generosity, charity within justice. "One must impose meaning on what perhaps has none and draw ecstasy from nameless, faceless pain."⁴

The significance of *tikkun*, the reparation and restoration of the fallen world and the uplifting of the sparks, is to be concerned not only with oneself but with everything and everyone around one. Start to serve God by serving God's children. In Hasidism, even anger is a part of messianic concern. Rabbi Barukh "was angry because he cared, because he was concerned, because he was present to anyone in need of human presence." Hasidism was nothing other than an attempt to tear down everything that separates one person from another. Because God is everywhere, in the Hasidic kingdom persons were not one another's prisoners but their companions. The Messiah can wait:

First priority goes to the sick child who needs medicine; or to the desperate mother who needs to be consoled; or surely to the father who loses his mind when he is unable to feed, to preserve, his family.

The love of God, when it is not linked to the love of the human, leads to idolatry and inhumanity. "When you love your friend as you love yourself, God is the third partner." "A Hasid does everything a good Jew does but with one difference—passion."⁵ It is this passion that strives to bring the Messiah.

Wiesel's modern messianism is continuous with his understanding

3. Elie Wiesel, *Souls on Fire: Portraits and Legends of Hasidic Masters*, trans. by Marion Wiesel (New York: Random House, 1972), p. 5.

4. *Ibid.*, pp. 6, 19 f., 31, 33, 35 f.

5. Elie Wiesel, *Somewhere a Master: Further Hasidic Portraits and Legends*, trans. by Marion Wiesel (New York: Summit Books, 1982), pp. 200 f.; *Against Silence*, Vol. II, "The Relevance of Hasidism Today" (1977), p. 262.

of biblical, kabbalistic, and Hasidic messianism. In *The Accident*, the hero's kabbalistic teacher teaches him that

the Messiah, called to liberate man, can only be liberated by him. . . . Man—who is nothing but a handful of earth—is capable of reuniting time and its source, and of giving back to God his own image.

In *The Town Beyond the Wall*, Pedro tells Michael that when man is imprisoned and under torture, God is imprisoned, and it is up to man to free Him.

Who does not live for man—for the man of today, for him who walks beside you and whom you can see, touch, love, and hate—creates for himself a false image of God.

"I would not have the coming of the Messiah depend upon our lack of generosity and pity, even toward Satan," Gregory says to Gavriel in *The Gates of the Forest*. "I don't want salvation to come through fire, through cruelty, and through the sacrifices of others." "The Messiah," Gregor's father used to say, "is that which makes man more human, which takes the element of pride out of generosity, which stretches his soul towards others."

Gavriel says to Gregor that hope is no longer possible or permitted because "The Messiah has come and the world has remained what it was: a vast slaughterhouse." Gregor comes to understand that the meaning of the Holocaust is that he who is not among the victims is with the executioners and that even God is implicated. By the end of the novel, Gregor is no longer intent upon measuring himself against fate and saving humanity, but upon helping to reduce the suffering of a single human being. It does not matter whether or not the Messiah comes, Gregor realizes in the end, or the fact that he comes too late. If we are sincere, humble, and strong, the Messiah will come—every day, a thousand times a day—for he is not a single human being but all human beings.

In 1968, Wiesel suggested that, existentially, the world has turned Jewish. For two thousand years the Jewish people lived on the edge of extinction. Now the whole world lives in the shadow of the atomic bomb. As the death of Jesus in Jerusalem involved every Jew everywhere and in every generation for two millennia, so, today, one person may push a button and involve the lives of everyone. The challenge for everyone, as a result, is now identical with what Wiesel defines as the substance of Judaism—"to remain human in a world that is inhuman."⁶ This is the messianism of the unredeemed.

The Messiah does not dwell above in glory, but below in the suffering and exposure of human beings: "The Word is the history of

6. *Against Silence*, Vol. I, "Toward a Philosophy of Jewish Existence" (1968), p. 255; Vol. III, "Judaism" (1969), p. 301.

man; and man is the history of God.” Wiesel tells the story of a Hasidic rebbe who goes up to heaven and knocks at the Messiah’s gate, asking why he is taking so long when mankind is expecting him. When the Messiah responds that it is not him they are expecting but good health, riches, serenity, knowledge, peace, or happiness, the rebbe loses patience and cries that if he cannot help men resolve even the most insignificant of their problems, then he should, indeed, remain in shadow. If he does not understand that he is bread for the hungry, a voice for the old man without heirs, sleep for those who dread the night, then, indeed, it is not he for whom mankind is waiting. Upon which the rebbe returns to earth, gathers his disciples, forbids them to despair, and says: “Now the true waiting begins.”⁷

“A tale of absurdity is a tale against absurdity,” Wiesel writes, “As a child I dreamed of bringing the Messiah,” he said in 1971. “I don’t believe in a world redemption anymore. I’m satisfied with small daily blessings and with helping one person, if I can.” Six years later Wiesel declared that the Holocaust made no sense to him at all, even in messianic terms, which would be for him simply blasphemy.⁸

Of all Wiesel’s novels, *The Oath* best expresses this inverted messianism of a cursed century. But, in *The Oath*, too, there appears that modern messianism which leads Wiesel to reaffirm the human in spite of, and because of, the Holocaust. “I am not telling you not to despair of man,” Azriel says to the young man whom he is trying to save from suicide. “I only ask you not to offer death one more victim, one more victory. . . . Every death is absurd. Useless, And ugly.” Like Emil Fackenheim, Wiesel adds a new commandment: not to give Hitler any posthumous victories, not to swell the ranks of death. To triumph over death, Azriel says, you must begin by helping your fellow man. The self is linked to infinity only through the intermediary of another self. What is the Messiah, says Moshe the Madman, if not man transcending his solitude in order to make his fellow man less solitary? If man speaks to God through man, that is good; if he speaks to man through God, it is not. God needs man to manifest Himself, to affirm His power or His mercy. We are all messengers. Men imagine mistakenly that the mission of the Messiah is to save them from death. Actually, “he would save them from boredom, from mediocrity, the commonplaces of routine!”⁹ Nothing justifies the pain that one man causes another.

7. Elie Wiesel, *One Generation After*, trans. from the French by Lily Edelman and Elie Wiesel (New York: Random House, 1970), pp. 72, 70.

8. *Against Silence*, Vol. II, “The Storyteller’s Prayer” (1970), p. 59; “To a Young Rebel” (1971), p. 147; Vol. III, “Autobiographical” (1971), p. 275; “The Holocaust” (1977), p. 313.

9. Elie Wiesel, *The Oath*, trans. from the French by Marion Wiesel (New York: Random House, 1973), pp. 7, 12, 14, 73, 78, 80, 82, 93 f., 123 f.

Any messiah in whose name men are tortured can only be a false messiah. It is by diminishing evil, present and real evil, experienced evil, that one builds the city of the sun. It is by helping the person who looks at you with tears in his eyes, needing help, needing you or at least your presence, that you may attain perfection.¹⁰

The most sublime and impassioned expression of Wiesel's messianism of the unredeemed is neither novel, play, nor essay but his cantata, *Ani Ma'amin: A Song Lost and Found Again*. It is the haunting and powerful plaint of Abraham, Isaac and Jacob, the traditional intercessors for Israel, who, in the face of the Holocaust, turn to God and then, away from God, to Israel, to share the fate of the exterminated millions and the tormented survivors. Maimonides' statement of perfect faith that, though the Messiah tarry, he will come, is not here the affirmation of those pious Jews who went to their deaths in the gas chambers singing these words as a hymn. It is an affirmation *despite* God and *despite* man, an affirmation of trust and contending voiced by the man who, more than any other living human being, has become in his own person the Job of Auschwitz. "Never before have there been such flames," says the Narrator. "And in every one of them it is the vision of the Redeemer that is dying." The witnesses testify, but the celestial tribunal listens in silence while an entire people enter night, plunge into the divine abyss—an abyss inhabited by God alone. "What kind of a messiah is a messiah who demands six million dead before he reveals himself?" Abraham protests to God. The Messiah will come but not for us, says the Chorus. "Auschwitz has killed Jews but not their expectations," and it calls on mankind to pray to, against, and for God.

Thanks to Job, Wiesel tells us at the end of *Messengers of God*, "We know that it is given to man to transform divine injustice into human justice and compassion."¹¹ What this means, in practice, Wiesel illustrates in his "Letter to a Young Arab" in *A Jew Today*. At the end of the Second World War, adolescents who could have set fire to cities and entered into violence and crime helped one another to rebuild. In an inhuman society, they remained human. From them, Wiesel suggests, we can learn that suffering confers neither privileges nor rights. "If you use it to increase the anguish of others, you are degrading, even betraying it." We evoked our trials only to remind others of the need to be human. "Suffering is often unjust, but it never justifies murder." Wiesel concludes with what is, indeed, a messianic vision.

And yet the day will come—I hope soon—when we shall all understand that suffering can elevate man as well as diminish him. Neither end nor means, it can bring him closer to his truth and his humanity. In the final

10. Ibid., p. 138.

11. Elie Wiesel, *Messengers of God: Biblical Portraits and Legends*, trans. by Marion Wiesel (New York: Random House, 1976), p. 235.

analysis, it is not given to us to bring suffering to an end—that frequently is beyond us—but we can humanize it. To turn it into dialogue rather than sword depends only on us, on you. . . . Help us not to despair of you. Or of mankind. And then perhaps, out of our reconciliation, a great hope will be born.¹²

The Jew in me seeks redemption for the whole world, for mankind and in history, said Wiesel in 1977. But even in encouraging others to fight for justice and against injustice, he said, “I do not believe in violence, not even in violence for justice.” Instead, he pointed to the survivors and their children as an example for the world of how to deal with evil and its memory, how to remain generous, compassionate, and committed to humanity in a cold, cruel, cynical society. In 1978 he said “If Elijah were to come today, I think he would speak not of the coming of the Messiah but of the necessities of today. He would ask for small gestures.” Two years later, acknowledging that the character of the Messiah had been present in all of his writings, Wiesel defined the Messiah as “the embodiment of eternity in the present, the embodiment of eternity in the future. He is waiting for us as we are waiting for him.”

All of this sets Wiesel in unrelenting opposition to Communism or any experiment that sacrifices living people for the sake of an abstraction. “The end does *not* justify the means. When it comes to human life, every person is an end, not a means.” In *The Testament*, Reb Mendel the Taciturn tells young Paltiel Kossover that “only man, for whose sake the Messiah is expected, is capable and worthy of making his advent possible.” Any human being can seize the keys that open the gates of the celestial power and liberate the prisoner. “The Messiah, you see, is a mystery between man and himself.” If, in the face of the *Shoah* we have the right to demand redemption, so does God.¹³

Michael Berenbaum is not wrong, in *The Vision of the Void*, in noting the progressive humanization of Wiesel’s messianism or the fact that, in Wiesel’s later writings, the Messiah loses some of his grandeur in favor of moments of sanctification. Nor is he wrong in stressing Wiesel’s own statements that

in a world of absurdity, we must invent reason, we must create beauty

12. Elie Wiesel, *A Jew Today*, trans. by Marion Wiesel (New York: Random House, 1978), p. 106.

13. *Against Silence*, Vol. III, “Youth and His Students” (1976), p. 293; “Judaism” (1976, 1977), p. 303; Vol. I, “A Jew Today” (1978), p. 164; “Memory—and Building a Moral Society” (1978), p. 372; Vol. III, “The New Law” (1978), p. 47; “Questions and Answers: At Brandeis-Bardin, 1978,” p. 251; “The Creative Act: Subject” (1980), p. 288; Vol. I, “Farewell Address at the Western Wall” (World Gathering of Jewish Holocaust Survivors) (1981), p. 281; Vol. III, “Beyond the End of History—And After” (1981), pp. 267 f.; Elie Wiesel, *The Testament*, trans. by Marion Wiesel (New York: Summit Books, 1981), pp. 72, 293, 316.

out of nothingness . . . we have to fight murder and absurdity and give meaning to the battle, if not to our hope.¹⁴

This 1967 statement reads, out of context, like Sartre's call to invent values in the face of the absence of any objective meaning, or the early Camus' call to make a subjective affirmation of life despite the absurd. Auschwitz forced Wiesel to take history with utmost seriousness, says Berenbaum, and precluded his accepting messianism as an alternative to facing the Holocaust or accepting the Messiah, who refused to appear at the time when he was so crucially needed. As a result, the image of God has been replaced, for Wiesel, by the human image.

Wiesel has suggested an additional covenant, forged at Auschwitz, says Berenbaum.

This covenant is no longer between humanity and God or God and Israel, but rather between Israel and its memories of pain and death, God and meaning.

Since God has proved an unreliable partner, the Jewish people must base their self-affirmation on their choice to remain Jews and to assume the past of Jewish history as their own. The threefold elements of this additional covenant are: solidarity, witness, and the sanctification of life. "In the beginning there was the Holocaust," says Wiesel, and everything must begin anew with it. "Even the images of God must be altered," interprets Berenbaum, "if such images lead to powerlessness or acquiescence to oppression." "Sanctification no longer leads to the messianic event of redemption but is rather a solidarity act of an individual and/or community designed to momentarily rout the void."¹⁵

However, in the context of Wiesel's work as a whole and, in particular, in the context of Wiesel's modern messianism that I have set forth in this essay, Berenbaum's *conclusion* cannot hold, namely that "for Wiesel, to be a Jew after Auschwitz is to hope for a Messiah and to work for a Messiah while knowing full well that the hope is for naught." Wiesel's modern messianism is not limited to human relationships, as Berenbaum suggests. It is also, as Robert McAfee Brown points out in his book, *Elie Wiesel: Messenger to All Humanity*, a continuous call to overcome despair with hope. "To despair now would be a blasphemy—a profanation," Wiesel concludes in his essay, "Against Despair," in *A Jew Today*.

14. Elie Wiesel in "Jewish Values in the Post-Holocaust Future: A Symposium," *JUDAISM*, XVI (1967): 299.

15. Michael Berenbaum, *The Vision of the Void: Theological Reflections on the Works of Elie Wiesel* (Middletown, Connecticut: Wesleyan University Press, 1979), pp. 15 f., 79, 127–129, 124 f., 148.

We must show our children that in spite of everything, we keep our faith—in ourselves and even in mankind, though mankind may not be worthy of such faith.¹⁶

Although we cannot accept Berenbaum's dismissal of Wiesel's modern messianism, we can accept the "vision of the void" as one of the poles with which Wiesel has throughout stayed in tension. Only through this tension has he been able—honestly and convincingly—to make such affirmation as he has been able to make at the other pole.

Everybody's suffering involves me and, if I do not speak up, indicts me, said Wiesel in 1978, with specific reference to the suffering in Cambodia and Vietnam. As Chairman of the President's Commission on the Holocaust, and on behalf of the commission, Wiesel implored all countries to open their borders and extend rights of refuge and asylum to the boat people so that the world might not once again be divided into perpetrators, victims, and bystanders. What such hope against despair means in our contemporary world Wiesel has also shown in the way in which he points to the danger of the nuclear holocaust that may destroy mankind; yet, he does not despair in the face of it. Hope, in this case, means memory. "Let us remember for their sakes, and ours: memory may perhaps be our only answer, our only hope to save the world from the ultimate punishment, a nuclear holocaust." "If I struggle for today's victims, it is because yesterday's were forgotten, abandoned, handed over to the enemy without protest."¹⁷

In 1984 Wiesel gave the keynote address at the First International Conference of Children of Holocaust Survivors in New York. Much in that address was a beautiful recapitulation of his messianism of the unredeemed. As the survivors have shown what they can do with their suffering, so their children have shown what they can do with their observation of suffering.

In deciding to get married, to have children, to build on ruins, your parents sought to teach history a lesson: that we are not to give up on life, not to give in to despair. And deep down you have felt the need to justify your parents' absurd and persistent faith in life, in faith itself, in history, in society, in humankind.¹⁸

In *The Gates of the Forest*, Gavriel defines a friend as one who, for the first time, makes you conscious of your solitude and his and enables you to emerge from it as you, in turn, enable him. The Messiah whom

16. *Ibid.*, p. 148; Robert McAfee Brown, *Elie Wiesel: Messenger to All Humanity* (Notre Dame, Indiana: Notre Dame University Press, 1983), p. 206; Wiesel, *A Jew Today*, p. 167.

17. *Against Silence*, Vol. III, "A Jew Today and Its Author" (1978), p. 107; "The Victims of Injustice Must Be Cared For" (1979), p. 144; "Plea for the Boat People" (*Congressional Record-Senate*, June 27, 1979), p. 158; Brown, *Elie Wiesel*, pp. 138, 129 f.; *Against Silence*, Vol. I, "Yesterday's Victims Forgotten, Struggle Is on for Today's" (*Los Angeles Times*, September 19, 1980, p. 191).

18. *Against Silence*, Vol. III, "To Our Children" (1984), pp. 322–324.

Wiesel had expected as a boy did not arrive. In his place came the enemy of the Messiah: the killer, the assassin, the exterminator of peoples. Those in the extermination camps who lived for themselves, to nourish themselves alone, ended by giving in to the law of death, whereas those who lived for a parent, a brother, a friend succeeded in obeying the law of life.

In his remarkable essay, "The Stranger in the Bible," Wiesel sets down the possibility and limits of "the confirmation of otherness" (to use the title of one of my own books).¹⁹ Crueler than the barbarians of antiquity, the Nazis tried to dehumanize their victims before killing them: they reduced the stranger to an object. But it is possible and even necessary for human beings to relate to the stranger as a Thou and not an It. Conscious of his limits, and, at the same time, of his desire to transcend them, the human being sees in the stranger a calling-in-question not only of his own being but of the relations between beings. Faced with the unknown, he realizes that he is a stranger to someone else. This means that there exists in the human being a zone that remains unknown. In confronting the stranger, he hopes, thanks to the stranger, to know himself better. "For the human being cannot attain truth—or God—without passing through the other, just as God cannot accomplish his work except through the medium of the human being."

In *I and Thou*, Martin Buber (whom Robert McAfee Brown rightly sees as having exerted an important influence on Wiesel) says that the moments of the Thou teach us to meet the other and to hold our ground when we meet. Wiesel, in similar fashion, insists that the interaction with the stranger should exclude all elements of submission or defeat. "To submit myself to the stranger in order to approach him leads inevitably to dissolution of being."

We should love the stranger as long as he fulfills his role as stranger, i.e., as long as he overturns our certainties and forces us to reevaluate our positions, as long as he represents the question. But we must oppose and combat him as soon as he imposes himself on us as the possessor of truth, as the sole possessor of the unique truth. Not to resist him then is to become his caricature.¹⁹

During the centuries of exile and persecution, and, above all, during the Nazi reign, the enemy did everything to inculcate in us the fear and shame of ourselves: he deprived us of our goods, our homes, our social attachments, our names, and reduced us to the state of an object or a number. He wanted the Jew to regard himself with contempt and disgust, to become his own enemy, his own executioner. He wanted the stranger in us, the enemy in us, to eliminate us from history. We shall never act as he did.

19. Elie Wiesel, *Paroles d'étranger: Texts, Contes, Dialogues* (Paris: Editions Seuil, 1982), p. 148. My translation.

To live without contact with a stranger would mean to draw an impoverished image from life; to live without the constant duty to interrogate ourselves on the meaning and goal of existence or of coexistence, would be to diminish ourselves. Certainly, we cannot choose between total uprooting and ultimately taking root: we oscillate between the two. We are, finally, strangers on the earth, but it is given us to try not to be, to remain faithful to what we are, living our experience while sharing it, assuming our existence while communicating it to our neighbor, who proclaims his with equal fervor and faith. One day we shall greet in our midst a being who has not yet come, but who will come because we await him. "And one day he will not appear as a stranger because he will be one no longer; for the Messiah in each of us will have given Abraham's dream its ultimate fulfillment."²⁰

20. Ibid., pp. 144, 146, 151–153. My translation.

Reform Attitudes, in the Past, Toward Intermarriage

ALAN LEVENSON

THE NINETEENTH CENTURY SAW THE MOST radical transformation of Jewish existence in its long history: socially, economically, politically and intellectually, Jewry entered modern European society. In Germany, a century of Jewish thinkers attempted to develop a form of Judaism consistent with this new reality. Reform Judaism was one result of these strivings. By the end of the nineteenth century, Jewish worship in Germany had been transformed—not as radically as the Reform ideologues desired—but far away from pre-modern traditional Judaism. In the United States, which possessed neither outstanding Conservative opponents nor a complex of venerable local customs, these crusaders achieved an even more complete victory. American Reform, led by German expatriates or descendants of Germans, seemed to embody the radical application of European principles. Not surprisingly, scholars long regarded American Reform as a direct transplantation of German roots.¹

Leon Jick's, *The Americanization of the Synagogue*, successfully challenged this "transplantation model" by emphasizing the American context behind the changes in synagogue liturgy and practice and, also, the role that laymen played in forcing these changes. His focus rested on organizational rather than ideological developments, and on the "folk" rather than the "elite" segment of the Jewish community.² Thus, the continued German flavor of the Reform movement in North America can still be convincingly argued on intellectual and, even, ethnic grounds. Stanley Nadel has stressed the deep similarities that exist between the

1. David Philipson, *The Reform Movement in Judaism* (London: Macmillan, 1907) and Gunther Plaut, *The Rise of Reform Judaism* (New York: World Union for Progressive Judaism, 1963–1965) reflect this "transplantation model." Nathan Glazer had already anticipated this issue in the late 1950s: "Why then did a change demanded by conditions in Germany become reality in America?" (*American Judaism*, 2nd. ed. [Chicago: University of Chicago Press, 1972], p. 47. On Glazer's other contributions see *American Jewish History* Vol. 77, no. 2 (December, 1987). See also, Leon Jick, *The Americanization of the Synagogue* (Hanover, New Hampshire: University of New England Press, 1976).

2. Jick, *Americanization*, pp. 79, 191, passim; Marc Lee Raphael, *Jews and Judaism in a Midwestern Community: Columbus, Ohio, 1840–1975* (Columbus: Ohio Historical Society, 1979). Raphael's fourth chapter deals with the early years of synagogue life.

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German Christian and the German Jewish immigrant experiences.³ Bernard Martin argues that German theologians and German traditions continued to dominate American Reform leaders. Full "Americanization," he says, occurred only on the eve of the Second World War.⁴ Most recently, Naomi Cohen has criticized Jick's overly sharp dichotomy between rabbis and laymen, and reaffirms the importance of ideology in shaping late nineteenth century Reform in the United States.⁵

Towards a further examination of the "transplantation model," and the larger issue of "*Deutschtum* versus Americanization," this paper undertakes a bird's eye view of American Reform doctrine on one specific issue—intermarriage.

In Germany, Christians and Jews alike regarded the reform of Judaism as part of the price for the Jew's entrance into European society. Alongside this external pressure, Jews of all camps internalized a desire to participate in German life. These external and internal pressures can not be easily separated. The first Reform Temples appeared to their proponents as a worthy step in the direction of decorum and *Kultur*; their detractors regarded the Hamburg and Sessen experiments as a monstrous hybrid: half heresy, half Protestantism. The Jews in nineteenth century Germany desired economic advancement, political rights, educational freedom, and social equality with non-Jewish Germans. This last objective was never achieved.⁶ Anti-Semitism, which seemed to be in decline from the 1840s through the 1870s, reemerged with greater virulence in the end of that tumultuous period and, despite the *Gleichberechtigung* of 1871, Jews remained a distinct social unit. Defending endogamy, the continued practice of Jews marrying other Jews, invariably appeared to hostile non-Jews as being misanthropic and ungrateful. On the other hand, German Reform leaders, even those tolerant of intermarriage, considered intermarriage as an extreme statement of separation from Jewish society.⁷

3. Stanley Nadel, "Jewish Race and German Soul in 19th Century America," *American Jewish History*, Vol. 77, no. 1, (September, 1987): 6–26.

4. Bernard Martin, "The Americanization of Reform Judaism," *Journal of Reform Judaism* (Winter, 1980): 33–58. See also Jakob J. Petuchowski, "Abraham Geiger and Samuel Holdheim: Their Differences in Germany and their Repercussions in America," *Leo Baeck Institute Yearbook* (22) 1977, pp. 139–159 (hereafter, abbreviated LBIYB).

5. Naomi W. Cohen, *Encounter With Emancipation: The German Jews in the United States, 1803–1914* (Philadelphia: Jewish Publication Society, 1984).

6. Jacob Katz, *Out of the Ghetto* (Cambridge: Harvard University Press, 1973), p. 216.

7. In Germany, conversion occurred with greater frequency than did intermarriage, but the convert would often marry another converted Jew, remain in a Jewish neighborhood, and associate largely with other converts or Jews. Intermarriage, on the other hand, seems, in most instances, to have led to "structural assimilation" and a severance of ties with the Jewish world. See Marsha L. Rozenblitt, *The Jews of Vienna* (Albany: State University of New York Press, 1983), for an excellent discussion of levels of assimilation. On the relationship of conversion and intermarriage in Germany, see Deborah Hertz, "Seductive

Internal and external pressures to appear as accomodating and liberal as possible led the 1844 Reform Assembly at Braunschweig to recognize intermarriage, provided the state law permitted the parents to bring up their children within the Jewish faith. The Reformers sought a precedent for such an abnegation of Jewish tradition in the earlier Napoleonic Sanhedrin of 1807. Actually, the Jewish representatives at the Sanhedrin had proclaimed that Jews would recognize intermarriages as civilly valid, would not punish the partners to such a marriage, but could not bestow upon the married pair the necessary blessings for a religious consecration.⁸ In truth, the 1807 Sanhedrin gave Napoleon a qualified “no” which they hoped he would take as a qualified “yes.” The Braunschweig Assembly of 1844 took the revolutionary step of conceding religious validity to intermarriages.⁹

Not surprisingly, the Orthodox condemned the 1844 Braunschweig Assembly, but so did Zacharias Frankel, who was still affiliated with the Reform movement. He attacked the Assembly as animated by self-hatred, in general, and by hatred for the rabbinical traditions, in particular.¹⁰ He expressed bewilderment that, on so important an issue, the rabbis had not even bothered to study a text of the Napoleonic Sanhedrin’s decisions.¹¹ He doubted that rabbis who showed such a cavalier attitude could be entrusted with a “root and branch” reform of Judaism. Neither the Orthodox nor Frankel discussed the practical, potential consequences of intermarriage; they reserved their invective for the Reform leaders themselves and their misuse of the religious tradition. Indeed, in 1844, no legal means existed to conclude a marriage between a Christian and a Jew.¹² Frankel’s attack on the Braunschweig pronouncement on intermarriage, therefore, should be read primarily as an attack on an unscholarly, arbitrary program of Reform. Even within the Reform camp, discussions of intermarriage turned on three issues of greater importance: the status of Jews in German soci-

Conversion in Berlin, 1770–1809,” in *Jewish Apostasy in the Modern World*, ed. Todd Endelman (New York: Holmes and Meier, 1987). In America, the relationship between conversion and intermarriage was very different. Hyman Grinstein wrote, “The Jews of New York City have at times tolerated the intermarried and even sympathized with them. . . . An apostate, however, was always considered a renegade and excluded.” (*The Rise of the Jewish Community of New York, 1654–1860* [Philadelphia: Jewish Publication Society, 1945], p. 381.)

8. The Napoleonic Sanhedrin has been discussed in numerous works. A good overview is Simon Schwarzfuchs, *Napoleon, the Sanhedrin and the Jews* (London: Routledge & Kegan Paul, 1979).

9. Lou Silberman, “Reprobation, Prohibition, Invalidity,” *Central Conference of American Rabbis Journal* (April, 1968). Silberman provides the best description of Halachic tradition on intermarriage and why Braunschweig constituted a radical departure.

10. Zacharias Frankel, “Die Rabbinerversammlung zu Braunschweig,” *Zeitschrift für die religiöse Interessen des Juden*, 1 (1844): 292–ff.

11. Frankel, *Op. cit.* p. 295.

12. Civil marriage became a possibility in Prussia in 1847.

ety; the state of the Jewish religion; and, finally, the institution of Jewish marriage.

In an article appearing in the *Allgemeine Zeitung des Judenthums* on 2 August 1847, editor Ludwig Philippson queried whether or not Jews could submit to "Christian" marriage laws. The answer distinguished Protestant from Catholic laws, and demonstrated in each case that Jewish law agreed with the civil law and, usually, with Protestant tradition as well. The columnist concluded that in all significant areas (such as monogamy, divorce, marriage with relatives) Jewish law did not contradict the civil law. Thus, the Jew who entered into a marriage under the civil laws of the state, even when those laws were identical with Christian laws, had fulfilled the civil requirements of a Jewish marriage.¹³ Although the Jews agreed to recognize the validity of such marriages—they had little choice—the *Allgemeine Zeitung* held that Christian consecration itself could possess significance only for the Christian partner. Falling back on the Braunschweig proviso, the columnist argued that a Jew could not enter into a marriage with a Christian where the state prohibited a Jewish upbringing for the children produced by this union. Philippson, deftly avoiding the issue of the desirability of intermarriage, implied that the nature of the Christian sacraments and the bias of the German law represented the real hindrances to its occurrence.

One month later, Philippson attacked Prussia's discriminatory civil marriage law,¹⁴ arguing that the Jews would not oppose civil marriage if only it were applied equally. He also denigrated Samuel Holdheim's defense of intermarriage on the grounds that Jewish marriage originally signified a purely civil act, possessing no religious significance. Holdheim regarded civil marriage as not only binding, but perfectly acceptable from a religious viewpoint.¹⁵ Although Philippson attacked Holdheim's acceptance of intermarriage, an even greater issue was at stake, namely, the possibility that many Jews would accept second-class status and opt for the quicker civil ceremony.

Affirming Jewish equality and avoiding confrontation continued to mark the Reform responses to intermarriage, but safeguarding Judaism commanded increasing attention. In the 1860s, Philippson took a stronger stand against intermarriage, explaining the previous inadequacy of the Jewish response until that time.

13. Ludwig Philippson, "Von Prinzip der jüdischen Ehe und der Zivilehe," *Allgemeine Zeitung des Judenthums* (hereafter AZdJ) #32, (1847).

14. Ludwig Philippson, "Zur Mischehe," AZdJ #38 (1847).

15. Samuel Holdheim developed his unique view of Jewish history, the "civil" and the "religious" in Judaism, and the issue of intermarriage in several works: *Das Religiöse und Politische in Judenthum. Mit besonderer Beziehung auf gemischte Ehen*, (Schwerin: c. Kurschner, 1845); "Einsegnung einer gemischten Ehe," (Leipzig, 1849); *Gemischte Ehen zwischen Juden und Christen* (Berlin: L. Lassar, 1850).

The reason lies simply in that one feels in part not entirely at one with one's self on this matter, and in part that one fears, by giving a decisively negative answer, the reproach of intolerance . . .¹⁶

The Christian, argued Philippson, will find Judaism either hateful or narrow, in particular the stringencies of a Jewish household and the Jewish holidays. Indeed, Philippson assumed that the Christian partner would not rest until the conversion of the Jew had been effected.¹⁷ He held that as long as Jews and Christians remained far apart, intermarriage between them could never yield a happy union. Christian prejudices clashed with the needs of Judaism. He conceded that the religiously indifferent or the outright atheist might succeed in an intermarriage, but, "We have nothing to do here with these two groups."¹⁸ For this reason, the Jews justifiably placed barriers in front of intermarriages. Abraham Geiger also saw the issue in terms of religious integrity. Conceding that intermarriage could bestow many of the blessings of marriage in general, he sharply opposed rabbinic consecration as farcical, from the standpoint of Judaism.¹⁹

Late nineteenth century German Reform writers often linked works on intermarriage to a general crisis in Jewish marriages.²⁰ Many feared that the attempts to secure a large dowry were ruining the institution of Jewish marriage. Some Reform leaders opposed intermarriage on the grounds that it would lead to a still greater abandonment to luxury and decadence—an evaluation that drew some justification from those highly visible upper-class Jews who used intermarriage as a means of social advancement.²¹ From the far left, proponents of intermarriage argued that both Judaism and the institution of Jewish marriage needed reforming. Intermarriage, since it proceeded from altruistic motives, could serve as a good corrective to the normative Jewish situation—a shameless quest for a large dowry.²² In a sermon in Leipzig, in 1849, Samuel Holdheim praised the altruism of intermarriage, perhaps the first religious consecration of Jewish-Christian marriage in a German

16. Philippson, AZdJ, 1 (March 1862).

17. Ludwig Philippson, *Die Israelitische Religionslehre* (Leipzig: Baumgartners Buchhandlung, 1865).

18. Philippson, AZdJ, 1 (March 1862).

19. Abraham Geiger, *Jüdische Zeitschrift für Wissenschaft und Leben* (Breslau, 1870), p. 89, pp. 84–89.

20. Anon., "In Sachen gemischter Ehen," AZdJ #42, (13 October 1851); Jacob Stern, (pseud. Leo Rauchmann), *Die Mischehe* (Zurich: Verlags-Magazin, 1880); Adolf Brull, *Die Mischehe im Lichte der Geschichte* (1905). For an Orthodox expression of this same criticism see Ruben Bierer, *Die Mischehe* (Frankfurt a.M., n.d.).

21. On the intermarriage of wealthy Jews for reasons of social advancement, and on economic stratification and assimilation in general, see Marion Kaplan's "The Acculturation, Assimilation and Integration of Jews in Imperial Germany: A Gender Analysis," LBIYB, 27 (1982) and "For Love or Money" LBIYB, 28 (1983). See, also, Lamar Cecil, "Jew and Junker," LBIYB, 333, (1954).

22. Jacob Stern, *Die Mischehe*.

land. On this occasion, he declared that pure Judaism taught love and, that, just as there was one Father in Heaven, so, too, there was one love in the heart.²³ Thirty years later, in a period of revived Jew hatred, Jacob Stern promoted intermarriage as the most effective means of bringing about a complete amalgamation of Jew and Christian.²⁴ In his *Die Mischehe* (1880), he argued that rationalism and humanity would subsume both Christianity and Judaism, and that significant racial improvements would result from a "mixing of semitic and indogermanic blood."²⁵ He believed that family ties and greater familiarity alone could overcome anti-Semitism. For Stern, unlike the detractors of intermarriage, no more important issue could be imagined. As both the mechanism and the justification for religious reform, intermarriage appeared to him as the panacea for German Jewish ills.²⁶

By the beginning of the twentieth century, Germany's Reform rabbis increasingly came to regard intermarriage as a threat. Yet, they continued to write about it with rhetoric that focused on assuring Jewish acceptance in German society on one hand, and on the weaknesses of the Jewish community on the other. German Jews had invested heavily in the emancipationist ideology, and the continued barrage of anti-Semitism struck Jewish leaders, correctly, as the greatest threat to their position in German society. Polemically, attacking intermarriage ran the risk of condemnation. Even had this external difficulty not existed, German Reformers regarded intermarriage as an ancillary issue to growing religious indifference and the disintegration of the traditional Jewish family. Modernization transformed the German Jewish communities and deeply disconcerted their religious leaders. German Zionists, sociologists, and race scientists boldly addressed the destructive potential of intermarriage—but these groups felt freer to criticize the non-Jewish environment and to speak more dispassionately about Judaism than did the religious leaders. In Germany, intermarriage never attained the center stage of Reform rabbinic concerns.

The Braunschweig Assembly prompted the first sustained discussion of intermarriage in the United States. Before the full text of the protocols had even reached America, Isaac Leeser's, *The Occident*, provided a forum which severely criticized the Reformers.²⁷ Leeser, the first significant Jewish leader in the United States, stressed the need for Jews to Americanize and still preserve the traditional rituals, liturgy and laws.²⁸ The qualified approval which the Braunschweig Assembly gave

23. Holdheim, "Einsegnung eine Gemischte Ehe" (Leipzig, 1849), p. 5.

24. Stern, *Die Mischehe*, passim.

25. Ibid., p. 26.

26. Ibid., p. 17.

27. Isaac Leeser, *The Occident*, vol. 2, no. 1 and vol. 2, no. 8 (1844); vol. 2, no. 10 (1845).

28. On Leeser see Marc Lee Raphael, *Profiles in American Judaism* (San Francisco: Harper and Row, 1984), pp. 81–82.

to intermarriage struck him as a death sentence on the continuation of distinctive Jewish life in America. The small size of American Jewry, the greater intimacy of Jewish-gentile contacts and the extraordinary intermarriage rate of colonial Jews seemed to open up the possibility of complete disintegration. The proviso of the Braunschweig Assembly that the state must allow the children to be brought up Jewish meant little, in Leiser's view. He claimed the Americans had more experience than the German "theorists"—few of the children would be brought up Jewish. Only by severing all connections with a family member who married outside the faith, he held, could American Jews avoid becoming another lost tribe.²⁹

This initial appraisal of intermarriage in *The Occident* contained three of the four elements that would come to distinguish the American Reform responses to intermarriage from those of German Reformers; 1) a rhetorical harshness dictated by the absence of a Jewish subculture in America that would naturally impede intermarriage; 2) a rabbinic willingness to propose harsh actions against Jewish community members who did intermarry, without fear of reprisal from the American government; 3) an aggressive rhetoric directed at American society and against Christianity, which resulted from the possibility of retaining the loyalties of intermarried Jews; 4) and, finally, because anti-Semitism pervaded America less than Germany, the notion of the intermarried couple remaining part of the Jewish community seemed both possible and desirable. In the absence of halakhic preconditions, it is no surprise this last solution did not occur to Leiser.³⁰

In Germany, detractors of intermarriage relied upon the Jewish communities and the traditions of Jewish marriage to slow the increase of the phenomenon.³¹ The advantages of Jewish distinctiveness remained the focus of German Reform leaders in their anti-intermarriage polemics, though the disadvantages of slipping into the wider society could not be emphasized, since German Reformers identified so strongly with the goals of Jewish emancipation. Even those German Reformers who did favor intermarriage regarded it as the best means of unifying

29. Leiser, "The Dangers of Our Position," *The Occident*, vol. 2, no. 8, (November, 1844). Leiser's fear had considerable justification, given the history of American Jewry in the colonial and federal periods. See: Nathan Glazer, *American Judaism*, pp. 18–19; Malcolm Stern, "Jewish Marriage and Intermarriage in the Federal Period (1776–1840)," *American Jewish Archives*, 19 (1967), pp. 142–143. Stern claims an intermarriage rate of 28.7% for all Jewish marriages. Whether that rate holds for all periods and all locations may be doubted, but the rate was certainly very high. In the first decades of the twentieth century, Maurice Fishberg and Arthur Rupp distinguished American intermarriage rates in the heavily populated Jewish East Coast from the more sparsely populated Midwest and South. I have seen no reflection of this disparity in the sources examined for this essay.

30. Grinstein, *Rise of the New York Jewish Community*, p. 381.

31. See especially the last chapter of Jacob Katz's, *Out of the Ghetto*.

two peoples that remained manifestly apart.³² In truth, despite the bestowal of equal rights politically, German Jewish society remained a distinct and recognizable unit.³³ Until 1876, all German Jews belonged by law, to their local community, and, afterwards, most Jews continued to support organizations—religious and philanthropic—that had existed for centuries. Likewise, Jews continued to socialize in largely Jewish settings, to go to public schools with a dominant Jewish population, and to marry spouses from families that were often well known to each other.³⁴

American Jews could not rely on such natural impediments to intermarriage. Leiser had chided the German Reformers, writing that many Christian families in America boasted of a partial Jewish descent.³⁵ New York's Rabbi Samuel Schulmann consistently represented the viewpoint that in-marriage represented the only way to perpetuate an American Jewish community.³⁶ Rendering testimony at the annual meeting of American Reform rabbis in 1909, Schulmann appropriated the arguments of Arthur Rupp, a German-Jewish demographer who hoped to warn Jews against intermarrying and to urge them into an acceptance of Zionism. Schulmann sermonized against Rupp's race-oriented interpretation and his Zionist conclusions.

I am not interested in the purity of the Jewish race. I recognize for myself no other nationality than that of the American people. I do believe, however, in my right to perpetuate the life and integrity of my religion.³⁷

Unlike Rupp, and unlike German Reform leaders, Schulmann's polemic against intermarriage contained no hidden agenda. In the United States, he held, preserving the religious integrity of Judaism and the social integrity of the Jewish community necessitated a prohibition of intermarriage.³⁸

Germany's Jews, who had inhabited the Rhineland since the time of Charlemagne, became equal citizens only in 1871. Moreover, with the emergence of menacing racial anti-Semitism in the late 1870s, German Jews once again needed to justify their participation in German

32. Stern, *Die Mischehe*; Adolf Brull, *Die Mischehe im Lichte der Geschichte* (Frankfurt a.M.: Kommissions-Verlag, 1905).

33. Again, see Katz, *Out of the Ghetto*, final chapter.

34. See Kaplan's "For Love or Money"; Marsha Rozenblitt's *The Jews of Vienna*; notes 7, 12 above.

35. Leiser, "The Danger of Our Position," *The Occident*, vol. 2, no. 10, (January, 1845). See also: M. H. Harris, "The Dangers of Emancipation," *Central Conference of American Rabbis Yearbook*, 4 (1983), pp. 55–63; Mendel Silber, "Intermarriage," *Central Conference of American Rabbis Yearbook* (1908), p. 167. (Hereafter abbreviated CCAR Yearbook).

36. Samuel Schulman, "Mixed Marriages in Their Relation to the Jewish Religion," CCAR Yearbook (1909).

37. Samuel Schulman, "Judaism and Intermarriage with Christians," Sermon delivered November 15th, 1908, Hebrew Union College Library offprint.

38. Ibid.

society. Nowhere in the modern Jewish experience did the question, “*ma yomru ha-goyim?*”, dominate Jewish thinking as much as in Germany. American Jews were not unconcerned on this score, but they were less afraid.³⁹ America had separated Church and State; Jewish citizenship did not turn on continued proofs of good behavior. Consequently, American Reform rabbis did not shrink from publicly stating their opposition to intermarriage. The oft cited 1909 CCAR resolution pronounced:

. . . that it is the sentiment of this Conference that a rabbi ought not to officiate at a marriage between a Jew or a Jewess and a person professing a religion other than Judaism, inasmuch as such mixed marriage is prohibited by the Jewish religion and would tend to disintegrate the religion of Israel.⁴⁰

Although the 1909 resolution did not stop some Reform rabbis from officiating at intermarriages, the Reform leadership backed strict interpretations by local congregations. A 1916 responsum by Kaufmann Kohler and Jacob Lauterbach upheld a bylaw that forced a member of a congregation to forfeit his membership for marrying a non-Jew.⁴¹ Thus, the American Reform leadership supported a punitive measure that the non-Reform Leaser had found too harsh sixty years earlier, and which European Jewry explicitly renounced at the 1807 Sanhedrin. Two factors explain this stance. One was the American Reformers' confidence in American society; they feared no reprisal for their actions. The other was that the organizational freedom of American Jewry encouraged an official stance.

The confidence of American Jewish Reformers may be illustrated by Samuel Schulmann's attack on Israel Zangwill's *The Melting Pot* which Schulmann read as an argument that the Jews must accept mixed marriages or remain in segregated societies. He construed Zangwill's premise as being somewhat anti-Semitic and supremely un-American:

. . . American citizens who profess the Jewish faith have not asked Mr. Zangwill the conditions upon which they are justified in living in America. American Judaism believes it has a right to . . . legislate upon the question of possible mixed marriages . . . Neither our citizenship, nor our social usefulness, nor our qualification for membership in the American nation, is dependent upon whether we approve or disapprove of a marriage between a person of the Jewish faith and a Christian who has not become a convert to Judaism.⁴²

39. For a sober evaluation of the level of confidence of American Jewry see Marc Lee Raphael's *Jews and Judaism in a Midwestern Community: Columbus, Ohio, 1840–1975*.

40. CCAR Yearbook, 19, (1909), p. 170.

41. *American Reform Responsa* (New York: Central Conference of American Rabbis, 1983), pp. 49, 193.

42. Schulman, “Judaism and Intermarriage,” p. 4: Although the protagonists of *The Melting Pot* fall in love and reunite at the end of the play, nowhere did Zangwill suggest that the acceptance of Jews in the United States was conditional.

If the confidence of American Judaism allowed Reform to establish strict standards, then the chaos of American Judaism necessitated such standards. In Germany, all couples needed to register their marriage with the civil authorities. Those German Jews who intermarried rarely desired religious consecration as well. Even if they had, rabbis were hired and paid for by the community and enough traditional sentiment existed to preclude an intermarrying rabbi from receiving a pulpit. In America, however, each congregation could establish any bylaws it desired.⁴³ Cincinnati's Isaac Mayer Wise, the leader of American Reform for the latter half of the nineteenth century, put it this way: "here everyone does as he chooses, preaches as he sees fit and expounds the law as he understands it."⁴⁴ Several Reform responsa of the time deal with conflicting rabbinic practices in regard to intermarriage or with improper accommodations wrested from rabbis by congregants.⁴⁵ Ironically, although the American situation enabled and impelled Reform leaders to take a tough stand, they exerted no more control over the behavior of their adherents than did their more circumspect German counterparts. In both cases, external circumstances determined the rate of intermarriage more profoundly than did the official stance of the leadership.

Polemic inevitably embodies a critique of one's opponents, and here, too, American Reform enjoyed far greater leeway than the German counterparts. In Germany, the Reform opponents of intermarriage had to be very careful about criticizing either the non-Jewish society or Christianity. Most German Jews had internalized their *Deutschtum* to such an extent that little in German society seemed worth criticizing, save anti-Semitism.⁴⁶ One recalls the hostile response to Graetz' *Geschichte der Juden*, which brought down the reproach of Heinrich Treitschke and the academic establishment.⁴⁷ Jewish criticism of Germany or of Christianity invariably boomeranged to the Jews' disadvantage. Thus, the German Jewish detractors of intermarriage lacked a cardinal tool of a good defense,—an offense. Professor Ephraim Feldman has characterized the tone of the intermarriage debate as "considerably sturdier" in America than in Germany⁴⁸ and no German Reform opponent of in-

43. Ibid., p. 5.

44. Isaac Mayer Wise, quoted in Marc Lee Raphael (ed.) *Jews and Judaism in the United States: A Documentary History* (New York: Behrman House, 1983), p. 192; Jakob Petuchowski, "Abraham Geiger and Samuel Holdheim: Their Differences in Germany and Their American Repercussions," *Leo Baeck Institute Yearbook*, 22, (1977), p. 150.

45. *American Reform Responsa*, (1983), pp. 193, 467.

46. Even in the case of anti-Semitism, it took quite a while for the Jews to organize on their own behalf. See: Ismar Schorsch, *Jewish Reactions to German Anti-Semitism* (Philadelphia: Jewish Publication Society, 1972).

47. Sanford Ragins, *Jewish Responses to German Anti-Semitism* (Cincinnati: Hebrew Union College Press, 1980).

48. Ephraim Feldman, "Intermarriage, Historically Considered, CCAR, Yearbook (1909).

termarriage approached the level of vituperation found in American Reformers. Four days before Christmas, 1883, Isaac M. Wise wrote:

As long as desertions, abandonments and divorces, adultery and concubinage are of daily occurrence . . . the Jew and the Jewesses better wait before they marry out of the pale till the morals of society be improved in that particular respect.⁴⁹

When Reform leaders in Germany assailed Christianity, they focused mainly on its intolerance, especially that of the medieval Church, safe sailing in a country that venerated Martin Luther as a national hero. But, in America, opponents of intermarriage went right for the jugular. The “luggage” of Christian dogma, the less than spectacular growth of the early Church, and her exclusive claims to salvation were all lampooned by Reform rabbinic assailants. Wise wrote that

As long as the orthodox Christian looks upon the Jew as a damned and doomed soul of less worth here and doomed hereafter . . . peace and good will . . . can hardly be expected to sway a durable sceptre in the family.⁵⁰

In short, believing Christians were religious bigots.

Ironically, resentment at the Christian view of salvation served as a point of departure for one American Reform rabbi who was tolerant of intermarriage. Rabbi Samuel Hirsch argued that Christians who wanted to marry a Jew could not really be Christians since they no longer held the Jew as damned. Such an affront to Christians, not to mention logic, never appeared in the writings of German Reformers who defended intermarriage.⁵¹ German proponents either hoped to bridge the chasm that still divided Christians and Jews, or projected a religion of reason which would soon encompass both Christianity and Judaism. Hirsch just assumed that any rational intermarried couple would choose Judaism as the family faith.

If one observes only the aggressiveness of the rhetoric, one could conclude that American Reform leaders harbored considerable antipathy toward non-Jews. This, however, would be a mistake, and nowhere can this be better demonstrated than in the Jewish attitudes towards proselytization, an issue considered by Rabbi Schulmann, “indissolubly connected with the question of mixed-marriage.”⁵² In Germany, intermarriage signalled the departure of the Jew from the Jewish fold. Anti-Semitism, a beleaguered sense of Jewish identity, and increasing secularism all favored an abandonment of Jewish society. But, in America, continued Schulmann, “present conditions require the encouragement,

49. Isaac Mayer Wise, “Intermarriage,” *American Israelite* (23 December, 1883).

50. *Ibid.*

51. Samuel Hirsch, “*Darf ein Reformrabbiner Ehen zwischen Juden und Nichtjuden einsegnen?*” *Jewish Times*, nos. 27–36, (1869).

52. Schulman, “Mixed Marriages,” p. 326.

not the discouragement of conversion."⁵³ American Reform leaders hoped to negate a religiously disunified home by winning the other partner over to Judaism, and this goes a long way in explaining the vitriol of the Jewish attack on Christianity. In Germany, Reform leaders fought only to keep Jews within the Jewish community. In America, Reform leaders also tried to persuade intermarried couples that Judaism represented the better religious choice.⁵⁴

This form of proselytization took several forms. Kaufmann Kohler stressed that Jews accepted a conversion concluded solely for sake of marriage. Other Reform leaders also stressed complete acceptance of the convert, the Biblical *ger*. Following a line laid down by Mendelssohn, some Reformers stressed the Jews' tolerance of other religions.⁵⁵ Among prominent American Reformers, only David Einhorn intimated the need for Jewish racial purity.⁵⁶ Reform, however, decisively repudiated a racial view of Judaism in the discussions leading up to the CCAR decisions on adult proselytes, and eased the path into Judaism by discontinuing the practice of adult circumcision. The difficulties involved in treading a Jewish, yet non-halakhic, path in modern American society continue to create tensions within Reform. While a 1973 CCAR resolution actually strengthened the language of the 1909 CCAR resolution that opposed intermarriages, the same body, in 1983, departed from centuries of tradition to place matrilineal and patrilineal succession on an equal footing. The controversy resulting from this decision continues unabated, and would require another lengthy essay to elucidate adequately.⁵⁷

By the First World War, both German and American Reform leaders opposed intermarriage. It would be easy, on first glance, to assume that the Americans merely adopted the stance of their theologically sophisticated German counterparts. But, from the first occasion when Jewish leaders in the United States addressed this topic, the North

53. Schulman, "Mixed Marriages," p. 326; Schulman, "Judaism," p. 10. On the Orthodox views of the relationship between conversion and intermarriage see David Ellenson, "The Orthodox Rabbinate and Apostasy in Nineteenth-Century Germany and Hungary" in Endelman, ed., *Jewish Apostasy in the Modern World*.

54. This view was propounded by Schulman, Wise and, above all, Samuel Hirsch.

55. Wise used the argument of superior Jewish tolerance with considerable rhetorical success in his battles with conversionary societies.

56. Einhorn, "Sinai," *Jewish Times*, (1870); Einhorn's dissent from his mentor, Samuel Holdheim, on the subject of intermarriage is discussed in Jakob Petuchowski's, "Abraham Geiger and Samuel Holdheim," *LBIYB*, 22 (1977), pp. 154-155.

57. See *Rabbis Manual* (Revised) (New York: CCAR, 1961). See, also, the discussions in *CCAR Yearbook*, 90 (1980), pp. 35-39. It should be noted that, despite the adoption of the patrilineal position, Reform's official pronouncement on intermarriage in 1973 sharpened the earlier 1909 statement (*CCAR Yearbook*, 82, (1973), pp. 59-97. On the controversy surrounding Reform's decision, the best starting point for further research remains the highly representative forum on patrilineal descent in the Winter 1985 issue of *JUDAISM*.

American context, more than the German theoreticians, modulated the intermarriage debate. The possibility of American Jewish disintegration mandated harsh measures by Reform leaders. American law allowed the Reformers to proclaim their strict stance and the tolerance of American society enabled the Reformers to criticize that society and Christianity, also. Finally, the relatively milder expressions of anti-Semitism and the greater interaction of Jew and Christian, gave American Reform leaders hope that they could stave off the ruinous effects of intermarriage through the conversion of the Christian partner. Historians have questioned the organizational debt which American Reform owes to its German counterpart. I believe that close scrutiny of American Reform ideology on specific issues, such as intermarriage, may show that, even doctrinally, American Reform did not simply imitate the German Reformers. Although Jewish religious Reformers in the United States reached the same conclusions on intermarriage as did those in Germany, the American spokesmen for Reform took a different path and travelled at different speeds.

Dual Loyalty in a Post-Zionist Era

DAVID NATHAN MYERS

"We must consolidate the unity of the Jewish People within Israel and between Israel and the Jews of the Diaspora. *We cannot afford the luxury of public disagreements, of public criticism that plays right into the hands of our enemies.* History has shown that when the Jewish people is united and stands together, we are unbeatable and unbreakable."

WITH THESE WORDS, PRIME MINISTER YITZHAK Shamir extended greetings to world Jewry on the occasion of the Jewish New Year of 5749 (Sep. 1988). Suffused with harsh, even beligerent language, with more than a tinge of paranoia, and with characteristic parochialism, Shamir's entire statement reads more like a broadside from his *Lehi* underground days than a message of good will and consolation. And though Shamir adopts, in certain parts, the rhetoric of unity, his words bear a thinly-veiled polemic thrust. It is not the Israeli public which can ill afford "the luxury of public disagreements;" the recent election campaign there dispels that notion rather compellingly. No, Shamir implies; it is the criticism of Diaspora Jews which "plays right into the hands of our enemies." The remedy to this danger is clear: Silence.

Of course, the whole question of the right to criticize has been raised by the recent events in the occupied territories, as well as by the revived controversy over "Who is a Jew." These events, and the Israeli government's response to them, have led some American Jews to abandon the principle of public silence which once muted their criticisms of Israeli government actions. Abandoning this principle has not entailed, nor need it entail, a wholesale abandonment of Israel; rather, it has led to a more refined distinction between the interests of the government of Israel and the interests of the state and people of Israel—a distinction which Shamir and others find convenient to refute. Those who have advanced this distinction realize that it is possible to affirm both their unceasing commitment to the preservation of the State of Israel as well as their right to criticize Israeli policies which violate their moral and political sensibilities.

In doing so, these responsible critics, unwittingly or not, prove the existence of a powerful axis linking Diaspora Jews, Israeli Jews, and the Jewish State. Recognition of this axis is frequently buried under the weight of shifting circumstances and motives. Still, one major and con-

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sistent source of denial is the Israeli politician who refuses to Diaspora Jews a legitimate voice in Israeli affairs, while unfailingly seeking material support from them. It is with this double-edged sword that Shamir lunged when issuing his Rosh Ha-Shanah call for silence.

However, the time has come for Diaspora Jews to elude what amounts to a pernicious and cynical assault on their identity, by re-evaluating the terms of the debate between Diaspora and Israel. Most significantly, I would propose that the nature of the bond between the Jews of Israel and the Diaspora be recognized as of a “national” character. By the term “national” I mean to encompass more than the narrow contemporary sense of political allegiance which characterizes the relation of a citizen to a state. Rather, “national,” as I apply it in this paper, describes the identity of a group of people linked by a common historical and cultural heritage—a heritage that does not necessarily find its embodiment in the apparatus of government of a sovereign state.¹

This recasting of Jewish identity in “national” terms rests on an awareness that the conventional categories of religion, ethnicity, language group, or political state do not individually comprehend the parameters of Jewish peoplehood and community.² At the same time, it has as pillars of support both the traditional Jewish principle of *kelal Yisrael* (the unity of Israel), and the erstwhile Zionist aim of creating a Jewish identity more expansive than that forged in the previous two centuries of Diaspora existence.

Undoubtedly, there is a considerable danger in choosing a semantic vessel—“national”—which has already been filled with a determinate meaning. Especially so since I am positing a distinction between the *political* loyalty of an American to America, and the *historico-cultural* loyalty of a Jew to the Jewish nation. Still, while obvious differences in function and organization exist between the two kinds of loyalty, it is clear that rights and obligations obtain to members in both. Common to both—indeed, integral to them—is the right to self-expression, which, unfortunately, some members of the Jewish nation seek to deny others.

This essay argues for an affirmation of that right, and its extension to all members of the Jewish nation.³ An important consequence of ac-

1. This usage resembles the medieval connotation of “nation”—as a subset of people brought together by a common origin, culture, language, or class. For a discussion of the pre-19th century conception of “nation,” see Elie Kedourie, *Nationalism* (London, 1960), p. 13ff.

2. The difficulty in categorizing Jewish communal identity has been recognized by Robert Gordis, who chooses the Hebrew “*am*” (people) to describe the Jews as a “religio-cultural-ethnic group.” See his superbly lucid discussion of the matter in *Judaism for the Modern Age*, (New York, 1955), p. 47.

3. Among potential critics, the writer, Anton Shammas, may find this essay most unsatisfying, for it assumes a degree of participation by Diaspora Jewry in Israel’s affairs which he, as an Israeli citizen of Arab descent, is not always accorded.

knowledging this right is that Jews will invariably hold loyalties to two kinds of nations, one defined by geographic borders and passports, the other by the borders of memory, consciousness, and a sense of shared passage. What follows is an attempt to explain and justify this shared loyalty as a necessary, and even desirable, Jewish position.

I

At the turn of this century, the great Russian Jewish historian, Simon Dubnow, advocated a sort of dual loyalty as a response to the crisis in Eastern European Jewish life. Violent outbursts of anti-Jewish activity (in the 1881 and 1903–5 pogroms), and the emergence of movements for national and class liberation in Russia, prompted a plethora of ideological responses by Eastern European Jews, including many shades of Zionist and Jewish socialist activism. Dubnow himself favored the idea of an autonomous Jewish political and cultural entity situated within the framework of a larger multi-national state. He thus turned on its head the charge that Jews constituted a “state within a state” or a “nation within a nation.” Hitherto, this charge carried a wholly pejorative connotation—most notably, in the debate over Jewish civic emancipation at the end of the 18th century, and later as a stock phrase of ideological anti-Semites in the last quarter of the 19th century. However, Dubnow argued in affirmative terms that Jews were a “nationality among nationalities,” and, thereby, entitled to autonomous communal organization.

Looking further back into medieval times, we see that Jewish legal and legislative autonomy not only existed, but was encouraged by the corporate nature of feudal society. There were no centralized nation-states with individual subjects, but, rather, a complex and formal division of authority, obligations, and rights among discrete bodies or classes. As a result, local, regional, and imperial rulers—as well as the Church—all granted “charters” or “privilegia” which dealt with Jewish subjects collectively. When Jews were “tolerated” by a particular sovereign, they were accorded, as a whole, physical protection and the right to self-organization and adjudication; conversely, when they were expelled from a certain region, the entire community was affected.

The phenomenon of Jews existing as a distinct collective entity within an alien religious and linguistic culture is the condition of Exile *par excellence* prior to modern times. However, as the medieval political order began to give way to “enlightened despotism” in the 17th and 18th centuries, the nature of the Jewish community (in Hebrew, the *kehillah*) also changed. Corporate bodies organized on the basis of common religious, economic, or social interests were now seen as threatening to the state. Ruler-kings fostered a new sense of allegiance—an individual bond with the state—which required not merely the dissolution of cor-

porate affiliations, but also an outlay of rights and privileges to the private subject. Logically, Jews, if they yielded their communal autonomy, should be bestowed with the same rights and privileges accorded to others as individuals. This, at least, was the view of liberal thinkers like John Locke (1689) and John Toland (1714) who pushed for the application of general principles of toleration to Jews on both altruistic and utilitarian grounds.

And yet, while logic (and liberalism) dictated it, Jewish equality was not always quick or uniform in coming. France was the first country in which Jews (Sefardim in 1790 and the rest in 1791) were granted citizenship rights. The sentiment among advocates of Jewish emancipation was pointedly summed up in the words of Count Clermont-Tonnere, a delegate to the French National Assembly, who urged that "Jews should be denied everything as a nation, but granted everything as individuals." According to these terms, which were accepted by some French Jewish leaders, emancipation entailed the end of Jewish communal autonomy and, consequently, an end to lingering manifestations of Jewish separatism (e.g., dress, language, etc.).

In Germany, where the intellectual and cultural values of Enlightenment most deeply influenced Jews, political emancipation proved far more elusive than in France. While Prussian Jews did receive equal rights in 1812 (though shortly thereafter retracted), it took more than a half century before they finally received equal status in the various German-speaking territories. What so poignantly characterizes the life of Jews in these lands is the lag between their intellectual and cultural achievements, on the one hand, and political recognition, on the other. For many, the alluring promise of liberation held out by *Aufklärung* (German Enlightenment) and its Jewish cognate, *Haskalah*, was never realized. In some places, legal emancipation was not forthcoming; in others, where legal emancipation was achieved, full social acceptance was not, thereby leading to frustration and despair among those Jews with the most to gain, the educated and the enlightened. The despair of one such Enlightened Jew, Heinrich Heine, led to a path frequently followed by others, conversion, which Heine saw as his "ticket of admission to European culture."

Present in both the French and German cases of the late 18th and 19th centuries was a rather insidious mechanism which held out the promise of full emancipation in exchange for the diminution or outright denial of Jewish identity. The imperative to dissolve communal autonomy had been communicated to Western European Jews as a necessary price to pay for liberation. And, often times, they profoundly internalized it. One stark example is a French Jewish leader of Revolutionary times who called upon his co-religionists "to divest ourselves of that narrow spirit, of corporation and congregation, in all civil and political matters. . ." This message anticipated the more concentrated

and systematic efforts of 19th century German religious reformers to define Jewishness as a confession of faith. The German Reformers envisaged Judaism as a *Religionsgemeinschaft* (i.e., a community defined in religious terms alone), which reflected their own acknowledgment of a contraction of Jewish identity. Thus, in the expectation of becoming full and active participants in society, they were prepared to place severe limits on Jewish communal identity, and to profess undivided loyalties to the German nation.

For those reformers and other Enlightened Jews, Jewish expression was now consigned to the private or domestic sphere, a tendency memorialized in the Haskalah refrain that one "be a man in the street and a Jew at home." This adage mirrored what one unsympathetic observer, Karl Marx, would call in his essay, "On the Jewish Question," the "decomposition of man" into political and religious, or public and private realms. A more sympathetic 20th century Jewish voice, that of the great scholar, Gershom Scholem, spoke in despondent tones of the same phenomenon, "the progressive atomization of the Jews as a *community* in a state of dissolution, from which in the best case only the *individuals* can be received . . ."

That condition to which Marx and Scholem were reacting, the bifurcation of identity (into Jewish and non-Jewish components), sets the stage for the central drama of the modern Jewish experience in the West—the struggle to preserve a modicum of Jewish identity while absorbing modern cultural and intellectual values. It is a condition which emerged out of the ashes of the medieval *kehillah*, and of the holistic Jewish world-view which enveloped it. It is a condition in which the impulse to return to Zion was utterly effaced, and vestigial feelings of *kelal Yisrael* were significantly diluted. And it is a condition to which Zionism, as formulated by Theodor Herzl, offered a definitive response.

At this point, it should be emphasized, though no doubt platitudinously, that the problems of the West were not those of the East. For the Jews of Russia and Poland, cultural assimilation was not considered a desired end until much later than in the West. Indeed, while the first half of the 19th century did witness strong state efforts at reform of the Jewish community, they were not always accompanied by the promise of emancipation or equality. Consequently, these government efforts, alternately authorizing and dismantling Jewish communal institutions, received little positive response from the large concentration of Eastern European Jews. What did ignite a veritable explosion of Jewish ideological activity in the last quarter of the century was a convergence of various forces: the example of a relatively beneficent attitude by the state to Western Jews, the failure of advocates of reform to effect significant change in Czarist policies, violent anti-Jewish pogroms, and the rise of national liberation and socialist movements in Europe. Zionism

was but one of the ideological creations of this tumultuous period in Russian Jewish history. In the end, it was the most successful.

II

Uniting the efforts of Zionists in both the East and the West was their attempt to reconstitute the Jewish nation in its own homeland. And that attempt rested on one assumption to which Zionists of all persuasions and lands would agree—that the status of Jews in the Diaspora was unacceptable. All would also agree that the expectation of external assistance—e.g., of a magnanimous bestowal of emancipation by the state—was no longer to be awaited patiently. Consequently, the struggle of emancipation became that of “auto-emancipation.”⁴

To be sure, the particular forms which early Zionist views took were not monolithic. One strain, that of the Russian essayist Aḥad Ha-am, understood the need for self-help in terms of a “spiritual center” in Palestine which would send out rays of cultural and spiritual sustenance to Diaspora communities. Another prominent strain held that the continued existence of Diaspora Jewish communities and patterns of life suppressed the national character of Jewish identity. The only remaining option was “the negation of the Diaspora,” (in Hebrew, *shelilat ha-golah*). In the case of Theodor Herzl, this option appeared to him while he was in Paris observing the depressing dénouement of the Dreyfus Affair. His observations crystallized into a plan for the establishment of a Jewish state, which he published in pamphlet form in 1896. Herzl’s manifesto of political Zionism aimed to shatter the illusions which Emancipation had propagated. According to Herzl’s friend, the eminent Viennese doctor, Max Nordau, these illusions had engendered a new class of Marranos in the West, a group of Jews caught between two worlds and, yet, fully belonging to neither. On such terms, there was no compelling reason for them to survive as Jews. Either they abandon any residual bond to Jewishness (in which case they are still not assured of full social acceptability) or they choose to reassert their national identity in a Jewish state. Because, as one radical exponent of political Zionism, Jacob Klatzkin, put it, “(t)he Judaism of the Galut is not worthy of survival.”

The theme of negating *galut* continued to inform Zionist thought as the Zionist movement shifted its center of gravity from Europe to Palestine, and even as it sought and garnered more and more support in Diaspora communities.⁵ David Ben-Gurion, who, as Zionist leader

4. This is the title of an important proto-Zionist essay from 1882 by the Russian Jewish doctor, Leo Pinsker.

5. It should be noted that, in its first decades, the Zionist movement frequently straddled the two poles of theory and activity: the first devoted to negating the Diaspora, and the

and later as Prime Minister of Israel, regularly solicited Diaspora Jews for assistance, would provocatively ask visiting American Jewish students if they had more in common with Anglo-Saxons from Virginia than with Jews in Palestine. Underlying his inquiry was a fundamental lack of faith in the viability of Diaspora existence, and a similarly fundamental belief that only through *aliyah* to Eretz Yisrael could the Jewish nation survive. Apparently, this belief has obtained until today, as Israeli government leaders (Mr. Shamir notwithstanding) continue to berate Diaspora Jews for failing to make the ultimate Zionist commitment, immigration. And, yet, the call for *aliyah* does not prevent the same government leaders from encouraging and accepting, with perhaps more than a drop of cynicism, the generous gifts of Diaspora Jews.

It seems, on the basis of this reading, that Diaspora Jews are getting the short end of the stick. And this, despite the fact that they have attained a large measure of affluence and stability, even in this most threatening of centuries. How, then, have they benefitted from the somewhat imbalanced relationship with Zionism? The answer is rather obvious: in return for their contributions, Diaspora Jews have obtained a sense of belonging to the Jewish state. Indeed, for many of them, Israel has become the focus of their Jewish identity and affiliation. A more select group, the communal leaders, is wined and dined and made to feel important in Israel, the more so in proportion to the amounts that its members give. Their seminal contribution to the State and the Jewish people is proclaimed by government ministers, parliamentarians, and generals.⁶ The accolades are part of the relationship between Israeli leaders and Diaspora Jewry, which, in essence, is a contract between two parties; in return for a contribution, a Diaspora Jew can purchase a share of pride in the Jewish state. As with all contracts, there are ancillary and qualifying clauses to which both sides must hold and one of the most important of these in the Israel-Diaspora contract has been that whoever does not come to live in, and defend the land of Israel, has no right to express him/herself on the affairs of the state.

For almost a decade now, during the Lebanon war and in the current crisis in the territories, transgressions of this contractual clause have been committed. Some, in the Diaspora, have begun to realize that

second to the current material problems of Diaspora Jewry. As a result, the long-term goal of negation was, at times, replaced by work focused on present-day concerns and crises (known as *Gegenwartsarbeit*).

6. But not so by Knesset member Shulamit Aloni. In a speaking tour of America in the spring of 1988, she blasted the Conference of Presidents of Major American Jewish Organizations as "rich and fat people . . . who go to Israel to rub shoulders with important people at nice dinners, and then come back to the U.S. and rub shoulders with more important people." (*Jerusalem Post International Edition*, June 4, 1988).

the provision of support and contributions without the right to free speech and self-expression violates their own sense of responsibility. In fact, provision of support without this right rests on a certain historical fallacy—that Zionism has absorbed *in toto* the national dimension of Jewish identity, that it has become the legitimate voice of the Jewish nation to the exclusion of others. On one hand, it can hardly be denied that Zionism has succeeded in fulfilling a long-standing political aspiration of the Jewish people—to return to their homeland in Eretz Yisrael.

On the other hand, the grand success of Zionism, ironically, has validated—or has the potential of validating—the “national” identity of Diaspora Jewry. The seeds for this development were sown when Zionists assailed the suppression of national identity in Emancipatory ideology. In proposing to create an independent territorial base for Jews, Zionism also created the opportunity for developing a wider range of expression—cultural, intellectual, linguistic, political—for Jewishness than that implied in the 19th century *Religionsgemeinschaft*. Moreover, the Zionist effort to gather together all of the communities of the Diaspora (known as *kibbutz galuyot*) pointed to the revival of a deep historical bond among Jews, regardless of their birthplace or citizenship.

Perhaps to the chagrin of the “negators of the Diaspora,” this bond is not confined to the boundaries of Eretz Yisrael nor, for that matter, to those of a political state. Indeed, it flows to and from Diaspora Jewry, which has faced and overcome a powerful impetus to cultural assimilation and the terrifying threat of physical annihilation. In graphic terms, this bond, which draws from the reservoir of common experience, consciousness, and destiny that Zionism helped refill, forms an outer circle in which the smaller entities of Israeli and Diaspora Jewry exist. This outer rim, in turn, functions as a modern incarnation—and reification—of the time-honored principle of *kelal Yisrael*.

If one accepts this characterization, then no longer can, or should, it be maintained that Israel is the sole repository of Jewish national identity. Indeed, Israel is part of a larger Jewish nation which includes as full participants the diverse collections of Diaspora Jews. To suggest, as some still do, that Diaspora Jews have no operative role to play in that nation is simply a tired recitation of an ossified Zionist position. Conversely, for Diaspora Jews to accept silent partnership is to succumb to the same outdated view, and worse, to risk violating their own values and sense of obligation.

The point to be made is this: a responsible analysis of the relationship between Diaspora Jews and the Jewish state should be mindful of the intimate national bond which links all Jews. In recognizing this national bond, one must also be prepared to accept the consequences of divided loyalties—between a conventional political loyalty, as embodied in citizenship rights granted by a state (e.g., America or Israel),

and the more complex historical-cultural loyalty which may be unique to the Jewish nation.⁷

Of course, this raises a number of pressing questions. In terms of the discussion here, one wonders whether the division of loyalties simply returns us to the old bifurcation of identities—into private/Jewish and public/national spheres—which Zionism sought to repair? Isn't dual loyalty yet another symptom of the malaise of modernity—the breakdown of, and subsequent yearning for, community—which a liberal order engenders? It would be disingenuous to answer with an unequivocal no. Undoubtedly, the dual loyalty whose acknowledgement I am calling for, can not completely heal the rift of identity occasioned by modernity. Yet, it can avoid the explicit self-abnegation of earlier Enlightened Jews, who accepted the contraction of their Jewish identity and its subordination to a more dominant political national identity, because it rests on a conscious awareness of the broad range of Jewish national expression, including its cultural, religious, and communal dimensions.

That this sort of national commitment does not always sit harmoniously with a political national allegiance was patently clear to the late Jewish leader, Nahum Goldmann. While addressing what he called the "Jewish paradox," Goldmann observed that "(a) man has loyalty towards his country, his family, his religion and his social class, and there can be conflicts among all these loyalties" (*The Jewish Paradox*, p. 84). No doubt, for some Jews, there are more conflicts now that the state of Israel has emerged as a logical focus of Jewish allegiance and pride. But those conflicts are, and will, remain unavoidable unless we choose to belong exclusively to one of the two "communities" with which our loyalties currently lie, at which point we would inevitably deny the other. In the meantime, by acknowledging the national base of our Jewish identity, we are already admitting to a wider spectrum of Jewish expression than was contained in the *Religionsgemeinschaft* model (or, for that matter, in a segregated ultra-orthodox community). And while this yields a tension-laden predicament, it is one with which some of us can, and must, live.

III

Frequently, the mere mention of "dual loyalty" sends American Jews into rounds of emphatic reiteration of their undivided attachment to America. One sees this particularly in the responses of the organized

7. In a way, these two conceptions of national identity parallel the differences between the political Zionism of Herzl and the cultural Zionism of Aḥad Ha-am. For the former, membership in the Jewish nation would redound only to citizens of a territorially-defined Jewish state; for the latter, a more expansive definition of national identity would transcend the boundaries of a state to include, in some form, Diaspora Jewry as participants.

Jewish community, whose leaders have often asserted that their support for Israeli governmental policy is primarily a matter of America's best interests. Underlying this claim is the implication that they can easily overcome their "subjective" ethnic and national bonds in advocating "objective" (read American) foreign policy options. But this thinking loses a bit of credibility when we hear an official of an American Jewish organization who claims to support "American interests" in the Middle East, repeating *verbatim* the positions of the current Israeli government which may be at odds with the American administration. The convoluted semantic game of affirming the ascendancy of American interests (while, in fact, advancing Israeli government propaganda) serves only one obvious goal: suppressing the claim of dual loyalty.

The fact remains that only by acknowledging dual loyalty—not between two political states, but between a political state and an historico-cultural nation—can one participate in the shaping and reshaping of Jewish national identity. A good way to begin acknowledging and participating is by imagining an archaeological excavation of the edifice of Jewish history. At the foundation lies a firm monotheistic faith; at later stages, one sees that this faith assumed institutional and literary forms which themselves became foundations from which new strata of Jewish identity emerged. These forms, which were preserved by, and in, the community, fostered a sense of a shared passage through history, as well as a sense of belonging and mutual responsibility.

It is the residue of these forms and the consciousness of such a distinguished and distinctive passage which bind Jews into a people and a nation. Undoubtedly, Israel stands at the geographic and emotional center of the national constellation. As such, it not only reflects the cultural and linguistic heritage of the Jewish people; it also embodies the political aspiration of Jews to independence in their land, an aspiration with roots in the traditional messianic impulse.

Today, however, the state of Israel is one segment, albeit important, of a Jewish nation which spans the world. Diaspora Jews must recognize that they, too, belong to that nation and have a stake in its well-being, that New York, Paris, Buenos Aires, Moscow and other cities are centers in their own right. They must no longer submit to the *diktats* of Israeli government leaders who claim to be the sole arbiters of when and which Jews can speak on matters affecting the Jewish nation. Insofar as they, too, belong to the Jewish nation, Diaspora Jews have a right and obligation to get involved in matters affecting it, including what goes on in Israel. Indeed, the old pattern of exchanging money and unconditional support for a sliver of national pride is not worthy of the partners. A new relationship of mutual respect and responsibility, and a recognition of common belonging to the Jewish nation, must replace the out-moded and undignified pattern which has obtained until now.

Chief among the responsibilities and rights is that of self-expression when a member is morally-troubled or when the Jewish commonweal is threatened. Self-expression should not be confused with self-hatred, as it regrettably has been by certain segments of the Jewish community. Perhaps some Jews do relish the opportunity to vilify Israel in the world media, but the far greater number of Jewish critics of Israeli government policy are sincerely concerned with the state's preservation and well-being. Indeed, it is their very concern which impels them to voice their opinions.

Interestingly, the impulse to speak out has deep roots in Jewish history. We hear of it in an exegesis of the second century *tanna*, R. Shimon bar Yohai. In interpreting the maxim "All Israelites are responsible for one another," Rabbi Shimon explained: "It may be likened to a company of men who were in a boat when one of them took a drill and began to bore a hole next to his feet. Said his companions to him: 'Why do you act thus?' He answered: 'What do you care, is it not beneath my own place that I am boring?'"

For us, the boat can represent the body of the Jewish nation. When one member drills away beneath his/her own place, that action concerns us all. It is our right and obligation, at the very least, to point it out.

The Case of Siegfried

JAMES STURZ

ADOLF HITLER SAID, "WHOEVER WANTS TO understand National Socialist Germany must know Wagner."¹ I begin with this quotation simply because of the frequency with which I came across it while researching this paper. Its pervasiveness through various texts is an indication of what was, from the start, an undeniable connection between Wagner and Hitler. To the question, "Was Hitler a Wagnerian?," the answer seems a resounding yes, and a more appropriate question is to ask: "To what extent did Hitler see himself as a Wagnerian hero?" Or, more precisely, and of more relevance here: "To what extent did Hitler fashion himself after Wagner's Siegfried?" Why did Hitler consider it possible? An analysis of Siegfried, the young hero of Richard Wagner's tetralogy, *Der Ring des Nibelungen*, reveals Siegfried as a proto-fascist hero; his character, in fact, prefigures those of later fascist modernist writers and he anticipates the actual Fascist and Nazi heroes of Italy and Germany. Which is to return us to the question: "To what degree is Siegfried a fascist?"

There is danger, of course, in turning any discussion of fascism into a discussion of stereotypes. George Mosse, in his book, *Masses and Man*, warns against such theorizing. As he puts it, "Any general theory of fascism must be no more than a hypothesis which fits most of the facts."² So, it is with this in mind, with this hope of not overgeneralizing, that we limit our discussion primarily to German fascism—to the phenomenon of National Socialism. And to restate: it is the intent of this paper to explore the roots of German fascism in Wagner's Siegfried.

A delineation of National Socialism as political theory, however, is difficult to construct precisely because National Socialism, or fascism in general, was never purely political theory. Bernt Hagtvet and Reinhard Kühnl write that:

The sheer novelty of the phenomenon, the savagery of the fascists towards their enemies, the dynamism, aestheticism and ideological eclecticism of the fascist parties and their conscious appeal across class lines—

1. Peter Viereck, *Metapolitics, The Roots of the Nazi Mind*, p. 126. Also in William L. Shirer, *The Rise and the Fall of the Third Reich*, p. 101. Shirer says that he recalls this quotation on his own, but also cites Otto D. Tolischus, *They Wanted War*, New York, 1940, p. 11.

2. George L. Mosse, *Masses and Man*, p. 159.

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all these make fascism a movement that defies simple historico-political categorization.”³

Clearly, fascism, in all its dimensions, was never simply political, but its spectrum reached across historical, cultural, economic, aesthetic, social and psychological lines.

In his book *Metapolitics, The Roots of the Nazi Mind*, Peter Viereck identifies Nazi theory with “metapolitics,” a word that he traces back to Richard Wagner’s “Circle” of nationalists. “*Metapolitik*” was a semi-political ideology resulting from the intertwining of German Romanticism, a “science” of racism, vague economic socialism, and a belief in “the alleged supernatural and unconscious forces of Volk collectivity.”⁴ To Viereck’s provisional definition of Nazism we should also add: opposition to “law,” resulting in anti-parliamentarianism; a need to use force, with the connected pleasure derived from using it; and a belief in the coming of a “new man” who would embody these ideals.

The concept of a “fascist hero” is intrinsic to the system of fascism, appearing as cause, effect and example. The fascist hero is not merely the product of fascism; he is necessary, as catalyst, for fascism to occur.⁵ The figure’s presence, whether in literary text, opera or history, indicates a system already at work, and a system that is, at the same time, quickly developing. With this in mind, we examine the *Ring* not only as a revolutionary text (or music drama, for that matter), but also as an index to forces which influenced Wagner at its time of writing. Indeed, from an historical outlook, the operatic poem, “Siegfried’s Death”—which later became *Götterdämmerung*—was composed by Wagner just one year before the failed Dresden uprising of 1849, a rebellion, most notably, in which Wagner participated.

The concept of a fascist hero, the type of man who would come out of a great fascist revolution (as well as being the agent of it), was a concept at work in mid-nineteenth-century Germany, though operating, obviously, under an assemblage of names. The nationalism of one writer, the racism of another,⁶ the Romanticism and socialism of yet still others—these terms and thoughts were mixing and melting into one phenomenon which I think we might accurately call “proto-fascism.”

Although, ideally, everyone could be a fascist hero, in practicality

3. Bernt Hagtvet and Reinhard Kühnl, “Contemporary Approaches to Fascism: A Survey of Paradigms,” in *Who Were the Fascists*, ed. Stein et al., 1980, p. 26.

4. Viereck, p. 4.

5. A similar phenomenon—which may not be entirely unrelated to fascism—occurs in psychoanalysis. Although the primal scene, according to Freud, works as an influence over the unconscious, the scene itself may not have actually taken place, or may have been pieced together long after the formation of the unconscious.

6. The most famous of Wagner’s racist friends was Joseph Gobineau, a French diplomat, Orientalist and writer. In his *Essai sur l’Inégalité des Races Humaines* (1854), he advances his own theory of Aryan, or Teutonic, supremacy.

not all would be. "Fascist hero" is not the same as "fascist," in the same way that "American hero" is not the same as "American" (although, admittedly, fascism was less tolerant of deviators). Still, essential to a hero is a concept of heroics; the hero must be a sum of ideals. As he interests us here, the fascist hero must be a *perfect* fascist. Before initiating a discussion of *Der Ring des Nibelungen*, and a discussion within that of Siegfried as fascist, we need to define further the term "fascist hero." It will be in reference to the definition given below (which I model generally after the German version) that later comparisons to Siegfried will be made.

1) The fascist hero is beautiful, powerful, and, above all, masculine. The German mythos is combined with a Greek one; the perfect man is fashioned after a Greek-influenced Aryan ideal. As Hitler defined it, the ideal of beauty was always "*Rank und Schlank*"—slim and tall. And, as Mosse points out, "It is impossible to imagine a Nazi exposition without the presence of the stereotype."⁷ Writing in 1849 in "Art and Revolution," Wagner himself says that while Jesus would

have shown us that we all alike are men and brothers . . . Apollo would have stamped this mighty bond of brotherhood with the seal of strength and beauty, and led mankind from doubt of its own worth to consciousness of its highest godlike might.⁸

2) The fascist hero is young—fitting, as well, within the schema of the Greek hero. Mosse, whose work is essential on this, points out that Hitler was only forty-four when assuming the chancellorship of Germany, and that Mussolini, even younger, became prime minister of Italy at thirty-nine.⁹ Fascism was, among other things, a cult of youth.

3) The fascist hero is energetic, courageous and highly aggressive. Simply put, fascists are not pacifists. In the words of Mussolini, though perhaps here more representative of Italian fascism and its Futurist origins, "Fascism wants a man to be active and to be absorbed in action with all his energies."¹⁰ Joseph Goebbels, Hitler's Propaganda Minister phrased this similarly, albeit more violently. To him, the Nazi mission was "to cause outbreaks of fury, to set masses of men on the march, to organize hate and suspicion with ice-cold calculation, to *unchain volcanic passions*."¹¹ And, again, to quote Mussolini, writing, here, in "The Doctrine of Fascism":

Fascism above all does not believe either in the possibility or utility of universal peace. It therefore rejects the pacifism which masks surrender and cowardice. War alone brings all human energies to their highest ten-

7. Mosse, p. 185.

8. Richard Wagner, "Art and Revolution," 1849, in *Wagner on Music and Drama*, p. 68.

9. Mosse, p. 170.

10. Benito Mussolini, "The Doctrine of Fascism," in *Readings on Fascism and National Socialism*, tr. I. S. Munno, 1958, p. 8.

11. Viereck, p. 124.

sion and sets a seal of nobility on the people who have the virtue to face it. All other tests are but substitutes which never make a man face himself in the alternative of life or death. A doctrine which has its starting-point at the prejudicial postulate of peace is therefore extraneous to Fascism.¹²

Accordingly, World War II, as one Nazi children's book phrased it, was "a lovely dream . . . a miracle of achievement."¹³

4) The fascist hero is anti-intellectual, laconic and primitive. Force, not reason is the rule of thumb. We recall that it is "volcanic passions," and not "volcanic treatises or soliloquies" that Goebbels is trying to unchain. (Which is to say that John Locke or Hamlet would not have made good fascists.) Hitler spoke out against modern physics ("Jewish Science," he called it), and he remained, until death, a firm believer in "secret sciences" and occult forces.¹⁴ Wagner, himself (lest in all of this we forget Wagner), writes in 1865 in "On State and Religion":

Any proper knowledge of the world would have taught us from the outset that blindness is the world's true essence, and not knowledge prompts its movements, but merely a headlong impulse, a blind impetus of unique weight and violence, which procures itself just so much light and knowledge as will suffice to still the pressing need experienced at the moment.¹⁵

As a correlative to the force-not-reason rule, the ideal fascist was also to substitute feeling for reason. "Truth" was not so much a thing to be learned as it was something felt; it was this feeling for truth which guided action, if action were to be guided at all. Indeed, although Wagner wrote theoretical tracts, he often, himself, resorted to the anti-intellectual. Commenting on the *Ring's* story line in 1854, he wrote to a friend, "You must feel that something is being enacted that is not to be expressed in mere words—and it is wrong of you to challenge me to explain it in words."¹⁶

If Wagner, an accomplished writer as well as composer—a man, certainly, of intellect (despite the direction that it took him in)—was either unwilling or unable to explain it in words, we can gain some insight into the mentality of the fascist hero, and the fascist in general. Nietzsche, by 1888 already disgusted with Wagner, wrote in *The Case of Wagner*, "We know the masses, we know the theatre. The best among those who sit there—German youths, horned Siegfrieds and other Wagnerians—require the sublime, the profound, the overwhelming."¹⁷ Clearly, then, there was something about fascism or proto-fascism that

12. Mussolini, p. 15.

13. Mosse, p. 173.

14. Mosse, pp. 183 and 197.

15. Wagner, "On State and Religion," 1865, in *Wagner on Music and Drama*, pp. 402–403.

16. Wagner, Letter to August Röckel, January 25, 1854, in *Wagner on Music and Drama*, p. 294.

17. Friedrich Nietzsche, *The Case of Wagner*, p. 167.

required spectacles of phenomenal scope for the entertainment or appeasement of its followers. According to Nietzsche, anti-intellectuals might appreciate little else.

5) The fascist hero is an historical and mythological construct. Consequently, he is symbolically charged. Although examples of real-life heroes did exist (the *führer* represented one of these heroes), these heroes were based on historical or mythological archetypes. To Wagner, for instance, Frederick Barbarossa, the twelfth-century king responsible for uniting much of Germany, was a reincarnation of the mythological Siegfried on whom his own Siegfried story was based.¹⁸ Similarly, it was not unusual for Germans to think, or to characterize themselves, or the world, in terms of the Siegfried myth—a practice popularized tenfold, of course, after the theatrical successes of *Der Ring des Nibelungen*. As Viereck points out, Hitler ends the first volume of his autobiography with the following line about the Nazi party's first meeting: "Out of its flames was bound to come the sword which was to regain the freedom of the German Siegfried."¹⁹ German life, under fascism, proceeded as folk-tale or story, and the entire war, as I have cited above, was viewed as just one "lovely dream." Of this phenomenon, Thomas Mann offered an insightful definition in 1940:

National Socialism means: "I do not care for the social issue at all. What I want is the folk tale." . . . The fact that in reality National Socialism is also filthy barbarism springs from that other fact, that in the realm of politics fairy tales become *lies*.²⁰

6) The fascist hero has a group identity. He is part of the *Volk*, and defines himself in exactly that way. Any individual liberties that he feels come through collective experience—freedoms never exist on their own. As Viereck points out, the lyrics to a popular Nazi stormtrooper song ran, "We spit on freedom, the Volk must be free."²¹ Wagner, himself, wrote similarly: "The Volk must burst the chain hindering consciousness."²² Accordingly, fascism was anti-parliamentarian by nature—socialist, not democratic. People, through their collective experience in the Volk, would govern themselves directly. And this, of course, was not difficult to check since fascism sought also to eradicate distinctions between private and public life. All citizens were to strain toward ideal fascist lives, as exemplified by the lives of mytho-historical figures or

18. Robert Donington, in *Wagner's 'Ring' and Its Symbols*, pp. 31–32, states that Wagner's main sources for the text of the *Ring* were the Icelandic Eddas and the subsequent Sagas largely based on them. In a footnote, Donington then refers to Ernest Newman, *Life of Wagner*, London, Vol. II, 1937, which see.

19. Viereck, p. 139.

20. Thomas Mann, Letter to the Editor of *Common Sense*, January 1940, in *Thomas Mann Pro and Contra Wagner*, p. 201.

21. Viereck, p. 105.

22. Ibid., p. 124.

by the Führer, himself. Consequently, very real connections were made between the fascist hero and the state. The leader symbolized the people, and the leader was the people. As Himmler said: "Germany is Hitler. Hitler is Germany."²³

7) In the German case, with which we are primarily concerned, the fascist hero is a racist. This needs little discussion. If the ideal man were an Aryan, then all non-Aryans (most notably, Jews) were inferior. Wagner, a notorious racist himself, refers to Jews as "un-German," and names Judaism as "the evil conscience of modern civilization."²⁴

It is against this seven-point definition of the "fascist hero" that my examination of Siegfried in *Der Ring des Nibelungen* will proceed.

Siegfried, the character, does not occur in the *Ring* until the third of the four operas. The first two, *Das Rheingold* (1854) and *Die Walküre* (1856) ought to be understood as scene-setting dramas, and *Das Rheingold*, at least, is subtitled by Wagner as the "Preliminary Evening to the Festival Play." The world-view presented in these two operas is that of the birth and development of an old order, an order of civilization, law and corruption.

In *Das Rheingold*, three Rhinemaidens tell us that they protect the Rhine's gold. When Alberich, the Nibelung (or dwarf), arrives on stage, they taunt him, saying that whoever possesses the gold will enjoy limitless power if a ring is made from it. Not surprisingly, Alberich jumps into the water and steals the gold. By renouncing love, he satisfies the requirement for forging the ring. Later, we see him forcing other Nibelungs to draw more gold from the earth; the hoard that he amasses grows and grows.

Meanwhile, Wotan, king of the gods, has employed two giants, Fafner and Fasolt, to build Walhall. Wotan agrees to give them Freia, the goddess of youth and beauty as payment, but, when the castle is finished he refuses to pay. The giants demand that the contract be honored. Wotan is reminded that, because the contract is inscribed on his spear, the spear will crumble and his power fade if the pact is not kept. Ultimately, Wotan and the giants *do* finally agree on an acceptable substitute. With Loge, the god of fire and craft, Wotan descends to Nibelheim. Tricking Alberich, they steal the gold—yet not before Alberich can lay a curse on the ring. When the ring and gold are given to the giants, Fafner kills Fasolt and turns himself into a dragon.

Die Walküre begins after a lapse of time, as do the subsequent operas. Wotan cannot use force to recover the ring because to do so would mean breaking the law; again, his powers would vanish. Therefore, he creates a race of heroes to do the work for him. (Wotan's and Wagner's

23. The source for this is my own memory. I recall that Himmler says it in Leni Riefenstahl's film, *Triumph of the Will* (*Triumph des Willens*), 1935. He may, of course, have said it elsewhere.

24. Wagner, "Art and Revolution," p. 59.

logic is troublesome here; by creating the heroes Wotan's guilt is implicit.) Between the two operas, Wotan has traveled to earth, and raised two children. As *Die Walküre* begins, we see the first of them, Siegmund, fleeing from enemies. He stumbles across an unfamiliar house, goes inside, and is found by Sieglinde. They talk; romance blossoms. Sieglinde's husband, Hunding, arrives and demands to know who the stranger is. Siegmund explains: all through life he has had ill luck; his mother was slaughtered, his father and twin sister disappeared. Now, he is being pursued. A girl in distress had called for his aid and, in protecting her, he killed her kinsmen.

Hunding is enraged—the dead kinsmen are his—and he sets a duel for the morning. But Sieglinde, by now, is in love with Siegmund. (In fascism, who can resist the hero?) She drugs Hunding, and says that she had been forced into marriage with him. Moreover, she says, on her wedding night, a mysterious stranger (Wotan disguised) entered the house and imbedded a sword in the wall, which, predictably, no one has withdrawn. Just as predictably, Siegmund succeeds in pulling it from the wall and, sword in hand, Siegmund and Sieglinde, long-lost twins, escape into the night. As the curtain falls at the end of Act One, the two make love—symbolically now, husband and wife.

At this point, certain things need to be said about the story before moving on to the last two operas, *Siegfried* (1871) and *Götterdämmerung* (1874). Although the stories thus far do not directly involve Siegfried, they do delineate a background ripe for fascism and the emergence of a fascist hero. This must be made clear, since it is not merely the “new man,” or hero, who ushers in fascism, but a proto-fascism at work which permits or precedes his ultimate appearance.

The fascist hero is a racist, as defined within the German context. Fascism in Germany was, in part, always a reaction to the “Jewish question.” Along these lines, we draw our first connection between the Nibelungs and Jews, and we may do so from a few different vantages. Alberich, as Ernest Newman points out in his own interpretation/translations of the *Ring*, has a “stiff scrubby beard” and his brother, Mime, who is bearded as well, is always seen wearing a cap.²⁵ Although Newman does not quite make the connection, I do not think it unreasonable to equate the cap with a skull-cap. Moreover, the general appearance of Alberich, who, we recall, is a dwarf, rates well with a caricature of a Jew, particularly when applied against the Aryan-looking gods and Wälsungs. This comparison is further strengthened by Leon Stein's shrewd observation, in *The Racial Thinking of Richard Wagner*, that Wagner's directions for the delivery of the Nibelungs' lines is to be “the Jewish manner of speech—shrill hissing, buzzing, a wholly foreign and arbitrary distortion of our national idiom.”²⁶ What the dwarfs are to

25. Ernest Newman, *Wagner's Operas*, pp. 453 and 543.

26. Leon Stein, *The Racial Thinking of Richard Wagner*, p. 73.

do, though neither Wagner nor Stein phrases it this way, is to speak (sing) German with Yiddish accents.

Accordingly, the opening scene of *Das Rheingold* could be interpreted as depicting Alberich, the Jew, robbing the Rhine (or Germany) of her gold. But we remember that fascism, as a form of socialism, also opposed capitalism, and linked capitalism to the machinations of Jews. So we take this symbolism yet a step further: Alberich, the Jewish finance capitalist, has used his gold, or power, both to dominate others and to procure still more gold. Though he curses the gold, he always uses it for his own selfish purposes. In Act One of *Das Rheingold* he appears at one point with a whip in hand, driving a team of Nibelungs before him: Alberich, the Jew, comes across as the oppressor of the industrial proletariat.

Similarly, a point needs to be made about Wotan and the gods. Although the gods are "attractive" characters, Aryan in their appearance, they represent an old and corrupt order. They are Germany before fascism—and what Germany, according to fascism, needs to replace. Caught up in law, Wotan has defeated himself. Because his power is based in law, he is unable to recover the ring from Fafner, nor does he have any choice but to condemn Siegmund, in Act Two of *Die Walküre*, when he violates Hunding's marriage contract. Fascism's answer to this, as we see in the two later dramas, is to dismantle the law. Wagner redefines law as corruption and posits it as enemy to the aims of mankind. When Siegfried, Wagner's own fascist hero, is born, it is in *flagrante delicto*: through adultery and incest. Nietzsche, in *The Case of Wagner*, makes this abundantly clear:

"Whence comes all misfortune in the world?" Wagner asked himself. From "old contracts," he answered, like all revolutionary ideologists. In plain: from customs, laws, moralities, institutions, from everything on which the old world, the old society rests. "How can one rid the world of misfortune? How can one abolish the old society?" Only by declaring war against "contracts" (tradition, morality). *That is what Siegfried does.* He starts early, very early: his very genesis is a declaration of war against morality—he comes into this world through adultery, through incest.—It is not the saga but Wagner who invented this radical trait; at this point he revised the saga.²⁷

The ways in which Siegfried's conception is a war on contracts extends past incest and adultery.²⁸ Since Siegmund and Sieglinde are wed symbolically through making love, Siegfried, inasmuch as he is the consequence of that symbol, is born in opposition to law. And let us say a few more words about incest. It is of extraordinary interest that Wag-

27. Nietzsche, p. 163.

28. With their own confusing twists, the facts of Wagner's birth somewhat resemble those of Siegfried. Wagner was also born through adultery: his mother conceived him with Wagner's "step father" while wed to Wagner's "legal" father.

ner added this to the saga. If the fascist hero is racially pure, can one be any purer than to have been the scion of twins?

We may also consider attributing a certain criminality to Siegfried by virtue of his parentage. Although Siegmund is treated heroically by Wagner, we must not forget that, in murdering so many of Hunding's kinsmen, he has committed near genocide (although, we recall, German fascism was not opposed to genocide). Additionally, Sieglinde, by both cuckolding and drugging her husband, also establishes her own criminality. Wagner argues that Hunding had forced Sieglinde to marry him. It seems just as likely that Hunding figures in the opera only because fascism needs a scapegoat. Hunding exists so that he may be drugged, cuckolded, and killed.

With all of this in mind, we continue to *Siegfried*, the third of the operas. As the curtain rises, we see Mime, the dwarf-Jew-imitator (Alberich's brother), forging a sword and lamenting that, however strong he makes it, Siegfried will snap it in two. Siegfried, himself, appears moments later, bridling a large bear. Taunting Mime, he yells (sings), "Come in! Come in! Bite him! Bite him, the lazy smith" (Act 1, scene 1).²⁹ Siegfried's behavior toward Mime remains consistent throughout the opera. To the trembling Mime, who understandably says, "To killing bears I've no objection, but why bring live ones inside the cave?" Siegfried answers, "I liked him better than you." When Mime is finally brought to tears, and says to him, "I wear myself out—a poor old dwarf! Then you repay me for all that I've done with your furious scolding and scorn and hate," Siegfried's response is by no means conciliatory.

Mime's efforts to convince Siegfried that he loves his father fail, expectedly. Siegfried asks who his "real" parents were, and when Mime responds that *he* is Siegfried's mother and father (an understandable claim for a foster parent to make), Siegfried siezes Mime by the throat, and forces him to answer "truthfully." Mime reveals that Sieglinde was his mother. When Siegfried demands proof, Mime shows him fragments of Siegmund's sword.

While Siegfried is gone, Mime is visited by a disguised Wotan who challenges Mime to a wager—hardly a fair one, since it is god against dwarf. Whoever can prove the other "unwise" is to win the loser's head. Wotan answers Mime's riddles, but stumps the dwarf with his own. "Whose hand can make new those fragments?" he asks. "Notung, the sword—who will forge it?" The answer is: "One who has never learnt to fear." He is the one who will also kill Fafner. As Wotan departs, he adds that the dwarf's life now rests in the hands of this man without fear.

When Siegfried returns, we see Mime cowering behind his anvil.

29. The English translation I use is Andrew Porter's (New York: W. W. Norton & Company, 1976).

Realizing that the young Siegfried is the man without fear—and that his head is forfeit to him—Mime sets out to teach Siegfried fear and determines to do so by taking him to the dragon. Siegfried sets out to forge the sword, himself, rejecting any help. Mime tells Siegfried that the sword's name is Notung and, as Siegfried vigorously works at the fire, Mime plots to poison him after Fafner is slain, now lusting after the gold and the ring, himself. As the end of Act One, Notung is complete. When the anvil is struck, the anvil, and not the sword, splits.

In *Siegfried*, Wagner continues to scapegoat Jews through the character of Mime who, as foster parent, treats the young Siegfried well. Nevertheless, Siegfried berates and even physically attacks him. Yet, as Wagner insists, Mime's only real concern is the ring and the Nibelung gold. This duplicity is supposed to excuse Siegfried's behavior. Reasons Wagner: since Mime, like the Jew, is an "evil conscience," Siegfried has every right to loath him.

But the logic at work here is faulty. Although Mime plots against Siegfried, it is only after he has been continually attacked and humiliated by him, and only after (the intervention of Wotan, Siegfried's own grandfather) when his life is in danger. Throughout the act, Mime is blameless (as, perhaps, the Jews were blameless). It is the racism of Siegfried and Wotan that condemns Mime to death and insists that he accept his fate passively. Further, if Mime's only crime is wanting the gold, can we blame him? Wotan goes to far greater lengths to acquire it himself, and Siegfried, when given the chance, even takes the ring and Tarnhelm for himself. Additionally, Mime's wanting the gold can be explained even without recourse to greed. In *Das Rheingold*, Mime's brother, Alberich, beat him when he owned the ring. Mime's lusting for gold can be explained psychologically: he merely wants to avenge himself against his cruel brother.

Siegfried, as a character, is much better constructed than is Mime (who is not as repugnant as Wagner would envisage him). His behavior is understood easily in the context of the fascist hero model. From the start, we see that Siegfried is young, fitting neatly into fascism's youth-cult. Moreover, he admits to his own racism when he says that he loathes Mime's very sight. In his aggressive behavior toward his father, the bear, and toward fighting the dragon, he fulfills fascism's requirements of violence and courage so completely that his behavior borders on fetishism. When he kills his father we are not surprised. Violence unites with racism. Mime's murder at the hands of Siegfried is an attempt by Wagner, fifty years before Hitler, to give an answer to the "Jewish Question."

As significant to understanding Siegfried is an analysis of the anti-intellectual at work in him. When Siegfried berates Mime, he says to him, "When you would make me clever and wise, I would be deaf and dull." Later, we are told that Siegfried has never learned fear. Accord-

ing to Wotan, it is this ignorance which enables Siegfried to forge Notung and defeat Fafner. Because of his ignorance, he is able to do what the god cannot: recapture the ring. This situation, then, serves to reverse the hierarchy; if the hero can do what the god cannot, then it is Siegfried, the man, who is superior.³⁰ Wagner, himself, writes of this character, “Confess, in the presence of such a being the splendor of the gods must be dimmed.”³¹

Siegfried’s antipathy toward the intellectual is visible further in his forging of Notung. Not only is he someone who has not learned fear, but he has not even learned blacksmithing. Wagner is explicit in stating that Siegfried has not learned the craft from Mime (who had ample opportunity to teach it), and in stating that Siegfried refuses any help.

Leon Stein, in his own discussions of Wagner’s racism, writes,

Want (*Noth*), Necessity (*Nothwendigkeit*), and Need (*Bedürfniss*) . . . become [in nineteenth-century Germany] nationalistic-racial attributes which serve to separate the true Germans, who sense these urges, from aliens, who do not.³²

The sword Notung, we can interpolate, is forged by Siegfried not only because he is anti-intellectual, but also because he is racially pure: because he is a “true German”—in Wagner’s eyes, perhaps the first one.

The fascist attributes that are established in the first act (and before) are further defined in the second act of *Siegfried*. The defeat of Fafner, who guarded the hoard, is symbolic of National Socialism’s defeat of capitalism. Along these lines, it is fitting that Siegfried takes only the ring and Tarnhelm (although he does take something), symbolically showing his disdain for capitalism. For Siegfried, it is blood that counts, and not gold.

The mythological qualities of Siegfried are also further defined in this act. By fighting a dragon and speaking to birds, the Siegfried story becomes even more of a fairy-tale than are the other *Ring* operas. In this connection, Carl Dahlhaus makes an interesting observation:

It is equally a fairy-tale trait that Siegfried does not use the treasure that comes his way: in fairy tales power and wealth are insignia, brilliant embellishments, rather than advantages for active exploitation; the important thing is obtaining them, not using them.³³

The last act of *Siegfried*, interpreted along fairy-tale lines, resembles the story of Sleeping Beauty. He finds the sleeping Brünnhilde, kisses, and awakens her. As we expect in such fantasies (and as with Siegmund and Sieglinde), the two fall in love—instantaneously. Brünnhilde teaches

30. Actually, the hierarchy existing between man and god breaks down since Siegfried, genetically, is only half-human. Walsung is the mother, but Wotan is the father.

31. Wagner, Letter to August Röckel, in *Wagner on Music and Revolution*, p. 293.

32. Stein, p. 13.

33. Carl Dahlhaus, *Richard Wagner’s Music Dramas*, p. 127.

Siegfried magic runes, and he becomes even more powerful, existing even more in the realm of the fairy-tale.

As final drama in the tetralogy, *Götterdämmerung*, "Twilight of the Gods" begins, the Norns' thread snaps, symbolizing the time for man to take charge of his destiny (for fascism to move full-swing ahead). In the previous drama, while searching for Brünnhilde, Siegfried is accosted by the disguised Wotan. After failing to frighten him, Wotan tries to block his way with his spear. But this time it is Siegfried who breaks the spear, and Wotan is forced to withdraw with the shards, his power overwhelmed by the hero's might. Force, we see, finally defeats law.

But despite all of his power, Siegfried does succumb to law one last time. Alberich has begotten a son, Hagen. (Curiously, Alberich may have renounced love, but, obviously, he has not renounced sex.) Hagen, symbolic, perhaps, of the omnipresent "Jewish threat," uses Gutrune, the Gibichung king's sister, to trick Siegfried. That the agent of Siegfried's seduction is Gutrune is interesting, since "Gutrune" literally translates as "good rune"—a final indication that, in fascism, ultimately, no runes are good, all law is man's enemy.

Drugged, Siegfried forgets his symbolic marriage to Brünnhilde, and lures her back to the Gibichung lair, where she is to marry the Gibichung king. Brünnhilde, believing herself betrayed, now betrays Siegfried. She reveals to Hagen how Siegfried can be killed, and he follows her advice, spearing Siegfried in the back. (Later, the defeat of Germany in World War I would be explained by Hitler as such a back-stabbing by Jews.) The hero's body is burned on a pyre; Brünnhilde, realizing that Siegfried was duped, mounts her horse and leaps into the flames, the ring of the Nibelungs on her finger. The banks of the Rhine overflow as the gold is finally returned to the river. Hagen, himself, leaps into the waters after the ring, and is drowned by the Rhine-maidens. With the cycle complete, and the old-order god replaced by the new German man, Walhall burns, in cataclysm, in an orgy of fire.

The symbolic relevance of this final drama of the *Ring* to fascism is extraordinary. Siegfried and Brünnhilde fit smoothly within the definition of fascist hero as cause, effect and example. Siegfried and Brünnhilde are victims of the old order, but they also represent the new. They die, certainly; but by dying, they live (Germany lives)—salvation and destruction are linked up, inextricably, in a pyre of flames, in world revolution. Having participated in the failed Dresden uprising of 1849, Wagner writes of the experience:

Ay, we behold it; the old world is crumbling, a new will rise therefrom; for the lofty goddess Revolution comes rustling on the wings of storm, her stately head ringed round with lightnings, a sword in her right hand, a torch in her left, her eye so stern, so punitive, so cold; and yet what

warmth of purest love, what wealth of happiness streams forth toward him who dares to look with steadfast gaze into that eye!³⁴

Against this model, how else but as Revolution can we interpret Brünnhilde, as she leaps to her death, into the flames, returning Germany's gold to the Rhine?

Siegfried is a much more disturbing character to the post-modern reader (and opera-goer). Wagner writes of him, "I have sought in Siegfried to represent my ideal of the perfect human being, whose highest consciousness must find expression in present life and action."³⁵ All of this is hard to accept. Siegfried is a fearless hero, but his child-like confidence is reflective of nothing more than his childishness. He is brash and unthinking: all force and no reason. George Bernard Shaw laughs about him in *The Perfect Wagnerite*, by calling him "Siegfried Bakoonin," a comparison, of course, with the Russian anarchist. Thomas Mann, more to the point, asks, "For has it not occurred to anybody that this Siegfried bears a striking resemblance to the little fellow who wields the slapstick in the fairground booth?"³⁶

But even Mann seems to have missed much of the point: Siegfried was not so little, and it was not a slapstick that he was wielding. *Siegfried was a phenomenon*. Before long, he had a gun and all the resources of a nation behind him. Time and again, throughout fascist Germany, he occurred as myth and as role model. In 1940, Robert Ley, Führer of the Labor Front, made an important speech to the German working class to enlist their support in World War II. He said to them: "Smash the rule of English capitalism! You young upward-striving nations of the earth, combine to annihilate the old English dragon who blocks the treasures of the earth and withholds from you the riches of the world." Significantly, Ley was confident in assuming that his listeners, though "humble ill-read proletarians," would know the Siegfried legend well.³⁷ Following the Siegfried model, any defeats incurred by Germany (including the First World War), were, as I have said, the result of backstabbing. Dark Hagen, the Jew, had again tricked Siegfried. To wipe out the Jews, once and for all, would mean to eliminate all threats and to assure future victory.

In his monumental *The Rise and Fall of the Third Reich*, William Shirer discusses why the *Ring* was so popular:

Siegfried and Kriemhild [Gutrune], Brunhild and Hagen—these are the ancient heroes and heroines with whom so many modern Germans liked to identify themselves. With them, and with the world of the barbaric pagan Nibelungs—an irrational, heroic, mystic violence, drowned in blood,

34. Wagner, "On Revolution," in *Wagner on Music and Drama*, p. 69.

35. Wagner, Letter to August Röckel, p. 293.

36. Mann, "An Essay on the Theatre," January–February 1908, in *Thomas Mann Pro and Contra Wagner*, p. 31.

37. Viereck, p. 140.

and culminating in *Goetterdaemmerung*, the twilight of the gods, as Valhalla, set on fire by Wotan after all his vicissitudes, goes up in flames, in an orgy of self-willed annihilation which has always fascinated the German mind and answered some terrible longing in the German soul.³⁸

But what was the source of this longing? How was this soul formed? Although the answer certainly predates Wagner, he stands there in history, nonetheless, with *Der Ring des Nibelungen* acting as a channel of sorts for the fascist ideal. It is Siegfried who helps to connect the German soul and its "terrible longing" to National Socialism. As Nietzsche observes, Wagner "increased music's capacity for language to the point of making it immeasurable."³⁹ This music dramas transferred to theatre an extraordinary power; his operas galvanized an entire nation, inciting them to fascism and revolution. Was not *Götterdämmerung* an invitation to World War II? As early as 1888 Nietzsche was horrified at Wagner's acclaim: "Wagner's art is sick . . . Wagner is a neurosis;" his heroes and heroines make up "a pathological gallery, he has to be the bad conscience of his time."⁴⁰

I have quoted Nietzsche so pervasively here since my aim in this paper is much like his in *The Case of Wagner*. Nietzsche sought to dispel any fascination with Wagner in either Germany or Europe, and so greatly was he repelled by the composer that he found Wagner's music sick, in itself. Deprecatingly, he reduces Wagner's *leitmotif* to "the status of an ideal toothpick, . . . an opportunity to get rid of *remainders* of food."⁴¹

But the problem is that the *leitmotif* is not a toothpick, just as Siegfried did not wield a mere slapstick. However, Wagner's dramas were popular in Germany during the Third Reich and they are popular now in the United States and Europe.

I address the Siegfried myth with the hope of dispelling its fascination. Hitler loved Wagner, and fashioned himself, to a degree, after Siegfried—and we know the tremendous cost to humanity. Ultimately, Nazi Germany was defeated, and Hitler, of course, committed suicide. But we are still watching Wagner. My final questions, then, are these: Does today's opera-goer realize what the cycle is about? Or does he merely sit enthralled by the music? And, enthralled by it, is he in a position, defenses down, to succumb to the glory and energy of fascism, to fall in love with the fascist hero? These are not rhetorical questions; they need to be answered.

38. Shirer, *The Rise and Fall of the Third Reich*, p. 104.

39. Nietzsche, p. 173.

40. *Ibid.*, pp. 166 and 156.

41. *Ibid.*, p. 174.

The Challenges of Halakhah

DAVID ELLENSON

THE HALAKHIC PROCESS BY PROFESSOR JOEL

Roth is a particular delight for those who are interested in more than a mere cataloging of the details of Jewish law. Supported by an impressive marshalling of numerous halakhic sources, the book provides an erudite and thorough discussion of the principles and rules that guide and inform the Jewish legal process. It stands out as a landmark among the many works written on matters of Jewish law because it never loses sight of its larger theoretical quest—the description and analysis of the overarching nature of the Jewish legal system.

Academics, rabbis, and other persons seeking an understanding of the overriding principles that give shape and coherence to the particulars of Jewish law will be most appreciative of Roth's work, for it elevates thought on this topic to a rigorous analytical level. However, the book is not intended exclusively for theoreticians. It is also a vital statement for all who are concerned with the bearing that this system has upon the state of contemporary Judaism. Roth's own awareness of this latter point is most apparent in Chapter Ten, "The Language of *Pesak*: An Excursus," where he defines three classes of Jews in the modern world who adopt different postures regarding the nature of the halakhic system. Among them is a group with which Roth self-consciously identifies, one that consists of

contemporary Jews . . . who are committed both to the halakhic system and to the affirmation not only of the acceptability of extralegal data within that system, but also of the acceptability of the terminology and methodology that those data imply (p. 309).

His work, in a significant sense, intends to support the attitude that these people have towards the halakhic system and, by extension, the normative results that flow from such a stance. As such, Roth's work has practical, as well as theoretical, aims. To employ terminology taken from the lexicon of the Catholic Church, *The Halakhic Process* is a labor in applied, and not simply theoretical, theology. Any assessment of the book has to consider both of these goals in order to reflect upon its successes as well as its problems.

The argument of the book proceeds on two distinct, though inter-related, planes. On the theoretical level, Roth seeks to show, through

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his impressive learning and analysis, that the halakhic process is flexible and pluralistic, granting tremendous discretionary power and authority to the *posekim* (rabbinic judges) of every generation. As he points out in several places, a major systemic principle of the Jewish legal system is the statement, “*Ein lo la-dayyan ella mah she-einav ro’ot*—A judge must be guided by what he sees.” This level of the argument, which draws upon theories of law put forth by legal positivists for over a century, runs immediately into a dilemma posed by the critics of legal positivism. For if a system of law *is*, in the final analysis, only what the *posek* asserts it is, how does one avoid the problem of anarchy within it?

Roth is keenly aware of this challenge, and he strives to defend his description and analysis of Jewish Law from the potential charge that he has reduced it to a system of judicial subjectivity wherein the Law is nothing more than that which an individual *posek* contends is binding. *The Halakhic Process* thus supplements its claim about the openness of the halakhic system by arguing that Jewish Law, for all its latitude, still possesses certain systemic principles that grant coherence and predictability to the system. Roth devotes the bulk of his efforts to developing this two-tiered description of the Jewish legal process and the merits of his book rest, to a great degree, upon an evaluation of the internal logic and correctness of this position.

On a second level, Roth wants to do more than simply describe the halakhic process and the pluralism that it evidences. He also wants to maintain that what must be labelled a Conservative approach to Jewish Law is halakhically legitimate. That is, an approach to Jewish Law that takes account of the role that scientific, historical, and other “extra-legal” factors play in the development and content of the Jewish legal system—all hallmarks of the Conservative position—is countenanced, he argues, by an investigation of the Jewish legal process itself. Here *The Halakhic Process* moves from being an exercise in the academic description of Jewish Law to a work that advocates a normative stance concerning the nature of the Jewish legal system and its internal dynamics. Having pointed to the theoretical and practical nature of Roth’s arguments, it is now apposite to examine how the author develops these claims and to assess the cogency of his positions.

Roth presents a considerable body of evidence, throughout the book, to support his contention that the Jewish legal system is a pluralistic one that grants almost complete autonomy to each *posek*. It is replete with numerous citations that reflect these assertions. The famous principle, “*Et la’asot l’adonai heferu toratekha*,” is invoked frequently in halakhic literature, Roth contends, as a “systemic principle providing the right of sages to amend or abrogate [Jewish Law]” (p. 172). Or, elsewhere, citing the talmudic dictum, “*Ellu ve-ellu divrei elohim hayyim*—The words of both are the words of the Living God,” Roth contends that pluralism is an inherent part of the Jewish legal system and that “which-

ever position is adopted by the sages of any generation becomes the will of God for that generation, by virtue of His own acquiescence" (p. 132). The Jewish legal system thus possesses "an extraordinarily wide range of areas for the exercise of judicial discretion" (p. 62). This means that there are no binding, or what Roth terms "authoritative," precedents within the halakhic system that "must be followed" by later courts (p. 82). The *posek* possesses almost total freedom to reformulate the holding of a previous case, making it broader or narrower than that stated by an earlier authority. In some cases, the *posek* may go so far as to ignore seemingly relevant precedents, since he

is not duty-bound to explicate in infinite detail either his understanding of the questions of fact involved or the fact that he has exercised his legitimate right of judicial discretion . . . (p. 62).

All this permits the halakhic system to admit "extra-legal" considerations *in a principled way* into the ongoing process of Jewish Law. Unlike a modern Orthodox Jew who would concede that sociological, historical, psychological, and scientific factors might influence an individual *posek's* decision while simultaneously maintaining that none of these variables hold a formal place in the system,¹ Roth argues that the well-known judicial principles of "original intent" and "purposive interpretation" allow Jewish Law to encompass "extralegal" considerations into the Jewish legal system. In one of the most compelling and crucial sections of the book, he demonstrates that scientific evidence and social and historical *realia*, in addition to the texts and principles of the Jewish legal tradition, authoritatively inform and guide the Jewish legal process in a significant number of instances. There is, for example, a talmudic text that asserts that a deaf-mute may not testify at a Jewish legal proceeding. However, a later authority has the legitimate right to overturn the literal reading of this earlier rabbinic text on the grounds that the sole intent of the text was to guarantee that only mentally competent and responsible persons would participate as witnesses in Jewish legal matters. In an era where deaf-mutes could not be educated, they were disqualified from such service. However, in an age where such pedagogic methods do exist, this disqualification no longer applies and deaf-mutes can be allowed to testify and bear witness at trials held before a rabbinic court (pp. 243 ff. and *The Responsa of Rabbi Esriel Hildesheimer, Even Haezer, Number 58*). Such a non-literal reading of the precedential source is halakhically legitimate in a case such as this, Roth asserts, on the basis of the Jewish legal principle, "*Shinnui ha-ittim*—a changed reality." This principle permits a previously held legal norm

1. See, for example, Emanuel Rackman, "The Principle of Polarity;" and Walter Wurzbarger, "Is Sociology Integral to the Halakhah?," in *JUDAISM* (Winter, 1980): 9–11 and 26–29. The comments made by these eminent Orthodox rabbis were part of a general symposium on the nature of Jewish Law.

based on empirical observation to be overturned by extralegal sources (p. 244). However, it is the *posek* alone who possesses the exclusive authority to determine when the principle is to be evoked.

It is small wonder that Roth is able to conclude:

It is accurate to say that the scope of rabbinic authority is, in theory, unbounded. The meaning of the Torah in every generation, and with it the determination of the will of God for that generation, is entrusted to the hands of that generation. Rabbinic interpretation of the law is, as it were, the never-ending revelation of the will of God (p. 133).

Thus, Roth states, "Ultimately, the only guarantee of the integrity of the halakhic system is the integrity of its recognized authorities" (p. 304).

Roth's arguments up to this point place him on the horns of the dilemma alluded to at the outset of this paper. He must simply surrender to the charge that the entire system is reducible to the subjective views, perhaps even whims, of any individual *posek*, or demonstrate that there are certain parameters, overarching norms and beliefs, that place limits upon, and assure the integrity of, the halakhic process. Roth does so by drawing upon the work of the noted legal philosophers Salmond and Kelsen. He quotes Salmond as writing, "There must be found in every legal system certain ultimate principles, from which all others are derived, but which are themselves self-existent" (p. 7). Every legal system thus possesses a *grundnorm*, from which all other norms in that system are derived. Commitment to it within that system must be absolute, for it provides the foundational axiom that validates the entire system and gives to the system coherence, stability and order. It prevents the system from dissolving into chaos and total subjectivity. Roth states that the *grundnorm* of Judaism is that "the document called Torah embodies the word and will of God, which it behooves man to obey, and is, therefore, authoritative" (p. 9). Thus, "the legal statements of the Torah are the legal sources of the system." Furthermore,

the halakhic system *qua* system is independent of any considerations of the accuracy of the historical claims of its basic norm. Whether or not it is "true" that the Torah embodies the word of God is of great historical or theological significance, *but of no legal significance* (p. 9, underlining mine).

This leads to two reformulations of the *grundnorm* of the halakhic system, reformulations which are consistent with the Conservative ideology that he espouses. Roth writes:

The document called the Torah embodies the word and will of God, which it behooves man to obey, as mediated through the agency of J, E, P, and D, and is, therefore, authoritative. An alternative possible formulation might be: The document called the Torah embodies the constitution promulgated by J, E, P, and D, which it behooves man to obey, and is, therefore, authoritative. The first formulation has the advantage of incorporating God into the *grundnorm*. . . . The second formulation obviates this "leap of faith" but replaces it with the presupposition that it

behooves man to obey the will of J, E, P, and D. In either case, the halakhic system is ultimately predicated on a presupposition that it behooves man to obey the document called the Torah, *regardless of the historical realities of its promulgation* (p. 10, underlining mine).

It is the affirmation of the *grundnorm*, regardless of the rationale advanced to support it, which Roth regards as crucial in ensuring the integrity and boundaries of the halakhic system. He can defend judicial discretion and the pluralism of the system and still maintain that the system is a unified one so long as the systemic expositors of the Law affirm the fundamental postulate of the system. This is why, throughout history, various *posekim* have continued to recognize the legitimacy of other rabbinic authorities even in instances where they have differed over specific interpretations of the law on particular matters.²

All of this leads back to the thicket whence Roth has attempted to extricate himself. The affirmation of the *grundnorm* of the halakhic system appears to be essentially irrelevant for the predictability of the system. In light of all of the evidence cited above, it remains clear that subsequent authorities always retain the right to determine what are the meaning and weight of prior cases and precedents. Legal principles, even the *grundnorm*, do not limit the authority of the *posek*. Even Roth, at the conclusion of his book, is forced to admit that

God-fearing *posekim*, . . . duly conscious of the complexities of the halakhic process and aware of the kind of circumstances that might warrant the adoption of a previously nonprecedented norm above a precedent norm, have the systemic right to utilize their status as the authoritative interpreters of the *halakhah* even when the norm in question is found in the Torah itself (p. 377).

Given the principle of “*Ein lo la-dayyan*,” and the assent to the *grundnorm* of the system as worded by Roth, it is almost logically impossible to imagine what might be an infringement of principle in the halakhic system. Whatever predictability the halakhic process possesses is, at best, an attenuated one, in view of the *posek*’s authority.

The only issue, a most serious one, which remains, is the identity of the *posekim* themselves. That is, what “rule of recognition” can be established that would determine who are these “God-fearing” halakhic authorities? This is a vital question on both a theoretical and practical plane. An answer to it would establish the criteria essential for determining how an individual could be empowered in this way. In addition, assuming that the criteria were met by an individual, it might indicate how Roth’s hopes could be achieved for a pluralistic halakhic system

2. There are literally thousands of instances in the history of halakhic debate which indicate that, even when rabbis offer diametrically opposing positions on matters of Jewish Law, they nevertheless continue to accord to their opponents respect and legitimacy as halakhic authorities. For examples of this in the modern period, see my *Tradition in Transition: Orthodoxy, Halakhah, and The Boundaries of Modern Jewish Identity* (Lanham, Md.: University Press of America, 1989).

that would recognize the legitimacy of rabbinic authorities from different denominations. Yet, such criteria are not forthcoming precisely because *The Halakhic Process*, for all its considerable virtues, fails to grapple sufficiently with the theological nature of the Jewish legal system. In avoiding this confrontation, Roth overlooks the vital difference which distinguishes a religious system of law, such as the Jewish one, from a secular system, such as the American. In so doing, he does not supply adequate epistemological grounds for the authority of the system that he seeks to defend from the attacks of both the Orthodox on the right and the Reform on the left.

The substance of Roth's dilemma can be seen in his presentation of a responsum issued by the late Rabbi Moshe Feinstein, concerning the propriety of an Orthodox Jew's teaching in a Conservative Talmud Torah (pp. 71–74). Feinstein forbids the Orthodox Jew from accepting such a position on the grounds that Conservative Jews are "heretics." Commenting upon this decision, Roth observes the following:

I would surmise . . . that Rabbi Feinstein would point to the widespread denial of the Mosaic authorship of the Torah by Conservative Jews and their apparent lack of commitment to *halakhah* as bases for the contentions that they are heretics. . . . I have stated the two together because, I suspect, Rabbi Feinstein would posit a cause-effect relationship between the denial of the Mosaic authorship of the Torah and lack of commitment to *halakhah*. Were only the former true, he would probably not consign Conservative Jews to the heretic category . . . (p. 73).

However, this simply is not true. As articulated by Rabbi Feinstein and others on numerous occasions,³ the Orthodox objection to the Conservative Movement is predicated precisely upon their contention that Conservative ideology, with its emphasis upon the notion of "positive-historical Judaism" and its acceptance of critical biblical and rabbinic scholarship, constitutes a denial of the fundamental principle of an eternal Twofold Revelation upon which rabbinic Judaism is based.

Roth does not appreciate the significance of this because his dependence upon Kelsen allows him to assert that the *grundnorm* for Judaism is, in effect, a formal and arbitrary category. Its religious or historical "truth" possesses no consequences for the content of the system's rules. Thus, in Roth's view, a Conservative *posek* who did not accept the

3. Rabbi Feinstein, in his *Iggerot Moshe, Orah Hayyim*, Volume 4, Number 49, writes, "And behold, at the outset it is essential to know that among the principles of our holy faith [is the belief] that the entire Torah, both Written and Oral, was given by the Holy One Blessed Be He Himself at Mount Sinai through Moses our Rabbi, peace be upon him . . ." It is this view of revelation that permitted Rabbi Feinstein to maintain that Conservative Jews, irrespective of their religious conduct, were "heretics." See for example, *Iggerot Moshe, Yoreh Deah*, Number 160. For an English essay by an Orthodox rabbi, that reflects the same representative Orthodox position on this matter, see J. David Bleich, "Parameters and Limits of Communal Unity From the Perspectives of Jewish Law," *Journal of Halakhah and Contemporary Society* (Fall, 1983): 5–20. See, especially, pp. 13–14 of this article.

truth of Orthodox claims regarding revelation could not be denied legitimacy as an authentic *posek* if, otherwise, he abided by the standards of the halakhic process that Roth has described. Yet, for a religious system of law, such as the Halakhah, this is a significant error. Religious law, including Jewish Law, is not independent of, but, rather, a reflection of, theological commitments and beliefs. The authority of a rabbi to function as a *posek* is contingent upon his internalization and affirmation of the norms that comprise the theological foundations of the system. If a *posek's* understanding of the theological norm that grounds the entire system is faulty, then his decisions would automatically be suspect. A challenge to the authority of the *posek* invokes the *grundnorm* itself.

Roth's failure to grapple with the matter of theology renders him vulnerable to attack by the Orthodox, for they would claim that only persons who have a proper understanding of the *grundnorm* can legitimately qualify as *posekim*. Thus, Roth's case for the acceptance of Conservative *posekim* as legitimate halakhic authorities is likely to go unheeded by Orthodox Jews. In addition, Liberal Jews (including some Conservative ones), are likely to ask why they should recognize and obey such halakhic authority if its base can be as arbitrary as Roth seems to suggest it might be. In either case, Roth is left with a practical as well as theoretical problem.

All this should not obscure the importance of *The Halakhic Process*. It is a profound work that raises and addresses the proper issues with which modern Jews must grapple. Its shortcomings are not Roth's alone. Indeed, they reflect the challenges with which Judaism has wrestled intellectually since the writing of Spinoza's *Theological-Political Tractate* over three hundred years ago. They also indicate how sorely needed is a non-fundamentalistic theology which would account for the relationship between Halakhah and History. The academic and Jewish communities are greatly in Professor Roth's debt for this important work of erudition and analysis. *The Halakhic Process* itself will serve as a *grundwerk* for further reflection upon the nature of Jewish Law and its sources of authority.

God, The Good, and Halakhah

GORDON TUCKER

THE MOST INTERESTING QUESTION ABOUT interpreters of *halakhah* is not whether they are liberals or conservatives, but, rather, whether they believe that the legal rules define both the content and limits of *halakhah*, or that there are *halakhic* determinants which lie outside the universe of the rules. There are liberals and conservatives on both sides of this line of demarcation, but it marks a crucial division. Halakhists who are separated by what we shall call the "great divide" hold very different positions on a host of critical issues: the relationship between *halakhah* and ethics, the role of theology in forming new *halakhic* rules, the validity of acts of "civil disobedience," and many others. In what follows, this division will be explicated more clearly and precisely, and the stakes for Jewish law in contemporary times will be illustrated.

I.

A recent book by Joel Roth, entitled *The Halakhic Process: A Systemic Analysis*, is a very important contribution to the literature on the interpretation of *halakhah*. Through its eleven chapters, it treats in detail many crucial elements of the *halakhic* corpus and of *halakhic* decision making. Among these are such issues as: what gives the *halakhic* rulers authority over the community that they seek to govern?; what is the role of precedent in the Jewish legal system, and how much flexibility is there?; what is the role of the rabbi, how is rabbinic authority bestowed, and how can it legitimately be used?; and what intrusions from outside of the legal system are permissible, and under what circumstances? Throughout, these issues are both treated and illustrated by materials from the *halakhic* literature, and the point of view of the author is expounded through those materials and the interpretation given to them.

One impression which emerges unmistakably from this book is that the author is both devoted to *halakhah* and its authority in contemporary times and, at the same time, willing to allow a good deal of latitude and discretion to those who make *halakhic* decisions. Indeed, this liberalism in the granting of discretion is something which Roth finds in the classical responsa which he brings to our attention, and which, he

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therefore argues, is an indisputably traditional part of the system of Jewish law. This book gives no comfort to traditionalists who are opposed to *halakhic* change and who decry the discretion which the Conservative Movement's Committee on Jewish Law and Standards (of which Roth is the current chairman) has historically employed in its *pske halakhah*.

But the very title of the book signals something else, which also unfolds inexorably as the reader makes her way through its chapters. This is a "systemic analysis"; that is, Roth believes that the essential characteristic of *halakhah* is that it is a *system*. We shall presently see what that means. But we should note for now that one need not look upon *halakhah* as being a system. Its literature is certainly diverse enough to allow us to treat it as a largely chaotic, and often contradictory, collection of legal norms. Alternatively, one could treat it as a system, but as one whose systemic rules go only part of the way toward determining religious law. Roth does neither. He conceives of *halakhah* as a well-defined, fairly formal system, and understands the rules which are formulated in that system to be the definers of religious law. His conception of *halakhah*, then, puts him squarely on one side of our line of demarcation. For him, the internal workings of the system are the crucial facts of law. When the rules are clear, they decide the law. When they are unclear, unworkable, or non-existent, the jurist is licensed to exercise discretion in creating or inventing new rules.

What does it mean to be a system? Roth allows the answer to emerge implicitly in his treatment, but it is important for understanding jurisprudential debates to make it explicit. To say that something is a system is to say that it has a set of internal rules, a "syntax" we shall call it, the main purpose of which is to tell us when something is legitimately part of that system. Languages are examples of systems in this sense, and artificial ones, such as computer languages, are almost entirely exhausted by unambiguous, syntactical rules.

But it is not just languages which may have systemic properties. Collections of laws may have them as well. Euclidean geometry, a collection of laws which aims to describe the world, has an elegant and unambiguous syntax. Indeed, it has something more: completeness. The rules of Euclidean geometry are never silent, never unclear; they always purport to describe unambiguously what space in the real world is like.

Prescriptive laws, those that put forward norms of behavior, can also often be codified in such a way as to exhibit a systemic character. Starting points may be identified, and rules for deriving new norms may be specified as well. A systemic analysis of American law, for example, would aim to decide whether any given normative assertion is, in fact, a valid norm of American law by seeing whether it can be traced back to the starting point, perhaps the Constitution. But such a system will not have the completeness that Euclidean geometry has. There will be many in-

stances in which the existing rules and precedents are silent, or quite ambiguous, and a person seeking to obey or to promulgate the law in such an instance will be at a loss. Different points of view, then, arise concerning what a citizen or a judge ought to do.

Roth has essentially given us this kind of analysis for the realm of *halakhah*. He sees it as flowing from a basis, which he terms, after Hans Kelsen, the *grundnorm*, or basic norm of the system. He formulates the *grundnorm* for *halakhah* as follows: "the document called the Torah embodies the word and the will of God, which it behooves man to obey, and is, therefore, authoritative" (p. 9). He sketches out for us some of the more important of the internal rules for inferring new rules of law starting with the *grundnorm*; he terms these "legal principles" and "systemic principles," depending on whether they determine a rule in a specific case or constitute a more general rule of procedure. He also gives us a theory of precedent and the weight which it carries in *halakhic* decision making. Most important, and most striking, Roth's analysis leads him to emphasize the wide discretionary latitude which *halakhic* decisors enjoy when the rules are silent or ambiguous. In discussing the talmudic principle that a jurist must be guided by his own appraisal of the situation at hand, we are told that this principle

demands of *posekim* that they do more than merely recognize the existence of their theoretical right to exercise judicial discretion; it demands of them that they, *in fact*, exercise that right. It elevates the right to exercise judicial discretion to a systemic imperative (p. 85).

The liberalism which is apparently inherent in this view becomes downright radical a bit later, when the author asserts, on the basis of further analysis of sources, that

the authority of the sages extends far beyond their position as sole interpreters of the Torah. Indeed, their authority includes the right to amend and to abrogate the prescriptions and proscriptions of the Torah (p. 200).

In other words, where rabbinic authorities can find some reason for claiming that the established rule ought not be understood as applying to a certain circumstance, their discretionary power takes over and allows them nearly unbounded latitude. Or, to put it another way, when the established rules seem inadequate, *halakhic* authorities may do virtually what they wish to extend the system. And all of this they do because of the power invested in them by principles of the system itself. As Roth has many occasions to state, in one form or another, "the validity of the *halakhic* system is internal to it." Its authority can be challenged only by stepping outside of it, which, of course, immediately vitiates the challenge.

This analysis of Jewish law is nothing more than an application of the jurisprudential position known as "legal positivism" to *halakhah*. Hans Kelsen, who was mentioned earlier in this essay, was one of the im-

portant theorists of positivism. But by far the most influential figure in the explication and propounding of the positivist view has been H.L.A. Hart. Inexplicably, Roth does not mention Hart at all, but he is clearly indebted to his ideas. Roth's legal and systemic principles (see above) are, for example, simply varieties of the so-called "secondary rules" which, Hart says, come to "specify the ways in which primary rules (i.e., rules of action or inaction) may be conclusively ascertained, introduced, eliminated, varied, and the fact of their violation conclusively determined." The goal intended by the specification of such secondary rules is to make it possible for a jurist to determine with some precision whether or not a given lawlike statement is, in fact, a valid norm of the legal system at hand. The pedigree of a rule, that is, how it can be traced back to the basis of the system, is of crucial importance to Hart and Roth alike. Hart, like all positivists, also believes that a legal system must be understood as establishing its own validity; while the validity of specific rules and enactments may ultimately be traceable back to a basic norm, at that point all further inquiry must stop. The validity of the starting point is assumed by the system. Indeed, Salmond, whom Roth quotes almost exclusively on these matters, wrote that "basic rules are to a legal system what axioms are to geometry; they are the initial hypotheses from which all other proportions of the system are derived."

The hallmark of Hart's approach to law is his conclusion that judges are empowered by legal systems to exercise discretion in the process of deciding hard cases, i.e., cases that are not fully determined by the existing rules and precedents. Judges legislate, they *construct* or *invent* law when the existing rules underdetermine the law. This, more than anything else, is *the* critical conclusion of positivism, and it is the most outstanding feature of Roth's book as well. Judges, or rabbis, are authorized by the system, the argument goes, to determine what is not unambiguously determined by the rules. They *may* use discretion. Indeed, one could even argue, as Roth does (see the quotation from p. 85 of his book above), that a rabbi is *required* to use discretion. But even if discretion is mandated, it is still the rabbi's discretion; the decision which he or she is to make is not determined by anything other than the rabbi's point of view at the moment of *pesak*. Nothing in the system can direct the rabbi, because, in a hard case, the rules are, by hypothesis, silent or ambiguous. And nothing *outside* of the system can mandate a certain decision, because that is ruled out by positivists from the start. Roth is quite precise in his terminology on this point. Again and again in his book (particularly in chapters 9 and 11), he refers to certain external factors as having *potential* legal significance. The decisor may decide, at his or her discretion, not to invest that external factor, be it scientific, social, or moral, with any legal significance at all.

To return to our starting point, then: Roth's understanding of *halakhah* clearly falls on one side of our great divide. Its liberalism, even

radicalism, lies only in its empowering rabbinic authorities further to determine the law if they so wish. But it is, when all is said and done, a *systemic* analysis that we are given. It does not recognize anything outside of the system to which rules of the system might be *required* to conform. Indeed, it explicitly rejects that possibility.

II

Roth's analysis is, as already noted, extensive and persuasive. His point of view, in fact, is so persistently and consistently argued that it can easily escape even the reader already initiated into *halakhic* literature that this is only one possible interpretation of the *halakhic* literature. More than that, positivism, for all *its* intuitive persuasiveness, is itself only one possible way of looking at the law. There is another side to our great divide, and it has its proponents as well.

Three-quarters of a century ago, in an article in the 1913 volume of the *Journal of Philosophy*, Morris Raphael Cohen warned us against formalism in the law, that is, the tendency to construct a formal system which can produce all law from some basic norms, as if law were as mechanically producible as the theorems of geometry. Positivists are, of course, considerably more sophisticated than that. They do not expect formal systems of law to be complete. But they do identify law exclusively with the rules produced by the system, even if, on occasion, the system must produce such rules through the discretion of a judge.

The most prominent critic of this central feature of positivism is Ronald Dworkin, whose extensive writings all center on a fundamental assertion: that there is more to law than rules which have been produced by a legal system. There are maxims (Dworkin calls them "principles") which express fundamental moral beliefs, such as that no one should be allowed to benefit from his or her own crime, or that, as far as possible, people ought to be treated as equals. These are real imperatives which overarch legal systems, and must be taken into account in decision making. In other words, judges are bound to use these moral imperatives to find the right legal answer in each case.

Notice how different is this conception of law from the positivist vision. The positivist finds unintelligible the idea that there is a right answer to a hard case. Until the judge has used her discretion, there is no right answer at all, for there is no law outside of the rules. Under Dworkin's conception, however, the judge who is about to decide a case where the existing rules fall short of a determination is not entirely free at all. That judge must *feel bound by* certain principles which stand outside of the system of rules, and if she creates a rule that does not conform to those principles, she can, theoretically, be called to account for creating bad law.

Consider something which Roth mentions near the very beginning of his book:

One reads occasionally of some judge who was forced to render a certain decision on the basis of valid statute, the origin of which had been clearly predicated on a reality different from that of the present. However, since the norm had never been abandoned or abrogated by the system, it remained authoritative and legal, and the judge was compelled to render his decision in accordance with it (p. 5).

If the case imagined here involves a decision which seems morally repugnant, then this observation can make sense only to a positivist. The positivist might even allow the judge to exercise discretion here, on the grounds that the case at hand is not the kind of application that the *apparently* valid statute had in mind; but he would never condemn the judge for using that discretion to decide for the apparently valid statute anyway. The outcome might be morally repugnant, but the *law* cannot be said to be offended. A common slogan of positivists is that there is a separation between law and morals. A Dworkinian, on the other hand, would simply reply that this is the case of a bad judge rendering an incorrect decision which flies in the face of the law *because* it is morally repugnant.

The interesting irony, in other words, is that, while positivists often have the reputation for being very strict and conservative, in that they have a narrower vision of what the realm of law is, they are, in fact, open to much greater latitude and discretion on the part of judges in cases at the “margin” of the system. That is why Roth is able to reach the radical conclusions that he does about rabbis overturning biblical norms. On the other hand, those who stand opposite the positivists across our great divide, while often incurring the displeasure of conservatives for expanding the realm of law into moral principles, actually impose greater restrictions on judges in such cases. It is never a matter of “anything goes” just because the rules and precedents are silent. Law is about more than just rules.

III

There are good reasons, I believe, to prefer Dworkin’s account of law to that of the positivists generally, and there is certainly something very troubling about the separation of law and morals. But I do not wish to argue this point in its general setting here. I do want to argue it, however, in the setting of *halakhah*. When we are dealing with Jewish religious law, the case against positivism seems to me to be strong, indeed.

How should the basic norm of *halakhah* be formulated? Here, I think, Roth misstates, or, rather, overstates. He says: “The document called the Torah embodies the word and will of God, which it behooves man to obey, and is, therefore, authoritative” (p. 9). Mention of the Torah is out of place here. In fact, throughout the rest of the book, Roth often speaks of the Torah itself as the *grundnorm*. That is surely incorrect. The basic norm of *halakhah*, that which the entire system is

about, is the assertion that the will of God is sovereign and ought to be obeyed. Preambles, not constitutions themselves, embody basic norms. The preamble to the American Constitution establishes that this document is the first document of a system which is there to seek out, codify and enforce the will of the people. American law is a political legal system. The preamble to the Torah (perhaps Genesis 1; perhaps Exodus 20:1–2) establishes that this is the first document of a system which is there to seek out, codify and enforce the will of the Creator. *Halakhah* is a theological legal system. Separating law from moral principle in such a system, as positivists would be wont to do, is to separate moral principle from God, and that is theologically untenable.

The Torah is not a *grundnorm*. It is a primary legal document (containing much non-legal material, about which more will be said presently) which seeks to conform to a *grundnorm* and all that attends it. Theology and morality cannot be treated as “extralegal material,” as Roth’s analysis treats them in chapter 9. They are as much a part of Jewish law as are the rules which have already been produced by the system. A seminal article by the late Robert Cover, published in the *Harvard Law Review* of 1983, makes this point even clearer. The title of the article, “Nomos and Narrative,” might just as well be rephrased as “*Halakhah* and *Aggadah*.” Every legal system has its “narrative” into which it is embedded. The Torah is full of non-legal material which constitutes its narrative, or *aggadah*. Cover points out to us that narrative may not be the *nomos*, but it is a critically important *determinant* of the *nomos*. It can, and must, determine the interpretation of rules and their application. Narratives make rules credible. It is only the theological underpinnings of *halakhah*, the *aggadah* which is associated with the *grundnorm* that bids us obey the will of God, that makes *halakhah* credible as a system which claims to be the supreme law of the people Israel. Separate *halakhah* from theology, separate it from morals, allow rabbis to use discretion when God and the good seek to determine their decisions, and you have sacrificed much of the power of *halakhah*. No system can be credible unless it is willing to refer to something outside of itself, and let that which is outside determine its life as a system. Cover called one point of view the “insular model;” he very aptly dubbed the other view being urged here the “redemptive model” of law.

It is on this classic positivist issue of the separation of law and morals that the conception of *halakhah*, as exemplified by Roth’s analysis, reveals its greatest weakness, for the separation of law and morals translates into the divorce of *halakhah* from theology. Roth seems to be aware of this danger, but his logic leads him inexorably to succumb to it just the same. He says: “It has no doubt been noted that with the exception of the discussion of the *grundnorm*, our analysis of the *halakhic* system has, thus far, made scarce mention of God” (p. 119). But he then goes on to explain that this is not surprising, since God can have, at best, an

indirect role in the system (presumably this means that direct revelation is ruled out), and since that cannot be quantified or proven, “it must, by definition, be either denied completely or else held to be a matter of subjective evaluation.” Such words do not ring as an invitation to rabbinic decisors to think theologically. Indeed, in a further explanation (pp. 120–121), Roth essentially says that, for those who think theologically, God need not be mentioned, and for those who do not, it would be dishonest to mention God. In either case, however, the *halakhic* system is understood to be able to go happily along without any theological referent. And it need hardly be said that even a decisor who is God-fearing may not be moved to insist that *halakhah* track what he believes to be the will of God. He may, instead, be satisfied to understand, à la the insular model, the will of God to be that he follow the *halakhic* rules that are already laid down. This possibility is, in fact, articulated for us by Roth at the end of chapter 6, where he puts into the mouth of certain hypothetical *halakhists* the circular belief that the will of God is guaranteed to be tracked by *halakhah*, since divine Providence sees to it that *halakhah* always does so.

The positivist account of *halakhah* fails on several counts. We have just seen that the positivist logic leads unavoidably to an account of *halakhah* which is *atheological*. This is, perhaps, the greatest objection to the positivist side of our great divide. It does not seem to account for what *halakhah* ought to be. Moreover, the positivist view also has trouble accounting for what *halakhah* is and has been. I shall give but one illustration: a responsum of Abraham Maimuni to which Roth refers (on p. 86) in order to establish the point that rabbis are empowered to, indeed, mandated to, use discretion (*shikkul hadaat*) in reaching their *halakhic* decisions. In fact, the responsum establishes quite the opposite, in that it supports the Dworkinian idea that there are principles lying beyond the rules which *limit* the discretion of the decisor. In a passage in this responsum occurring earlier than the one which Roth cites, Maimuni emphasizes that, in cases involving the legal rule that an abutting neighbor enjoys right of first refusal on the purchase of land, a decisor must keep in mind not only the rule, but, also, the ethical principle which the rule was intended to actualize. In this case, we are reminded of the talmudic dictum that the right of first refusal comes from, is in fact justified by, the moral/theological principle that one ought to do what God considers to be right and just. This is a principle which refers to God and to the good, and which is taken (correctly) by Maimuni to bind the decisor, even though it is not a rule of the system. By what right could a judge, simply exercising “discretion,” deprive a person of land which he had purchased through legal and valid instruments? Only, it seems, because of an ethical principle which is sufficient to override the rules of contract and land transfer as codified in *halakhah*. This is a perfect example of the power of the insight that legal systems are

often made to conform to principles lying outside of them. That is certainly true of *halakhah*, as this responsum makes clear, and though the responsa literature does not abound in overt theological appeals, this one is hardly an exceptional specimen. So it is that, on both prescriptive and descriptive grounds, the positivist view of *halakhah* fails to convince.

IV.

The distinctions which have been drawn here among approaches to *halakhah* are not distinctions without differences. And those differences have a great deal to do with how we shall understand the contribution that the Conservative Movement has made, and can yet make, to the theory and practice of Jewish law.

Let us consider first the very famous, long-standing, and related issues of the *agunah* and the *mamzer*. Specifically, I have in mind the woman who is apparently unable to marry because her first husband, still alive and divorced from her in the secular courts, refuses to authorize the delivery of a *get*, and the child who might be born of an unauthorized second marriage, who would then be unable to marry because of the stigma of *mamzerut*. On these vexing issues responsa totalling many volumes have been produced in every century since the close of the talmudic period. This has, in fact, been something of an obsession for *halakhists*, not because the *halakhic* rules are unclear; rather, it is because their clarity is matched by the offense which their effect gives to moral conscience. In his discussion of the use of "extralegal sources" by *halakhists*, Roth reminds us of the well-known fact that, already in talmudic times, various rules of testimony were relaxed in order to alleviate the predicament of a different kind of *agunah*, the woman whose husband had disappeared and left no solid evidence of his death (pp. 295–296). But what was done in all of those post-talmudic responsa for women whose husbands were alive but recalcitrant, or for the children of those women who, wittingly or unwittingly, violated the rules and cohabited with another man? The answer is that much was done for each of the individual women and children to whose cases the responsa were addressed. In many, many cases, ingenious resolutions were found, and were based on particularities of the cases at hand. A very good example of this genre as applied to *mamzerut* was described by a (very unsympathetic) layperson in a relatively recent Op-Ed piece in The New York Times. The case concerned the child of the second marriage of a woman who had been divorced from her first husband in the secular courts, but without a *get*. In this instance, rabbinic authorities in Israel, where the child wanted to marry, determined that no Orthodox Jews were present at the mother's first wedding and, therefore, there was a presumption that the witnesses to that wedding

were religiously unfit for their role. No witnesses, no marriage. And with the first “marriage” now declared null and void, the second marriage was valid, and the child of that marriage *kasher*, legitimate. Happy ending? Almost, but not quite. The author of the piece, a child of the woman’s first marriage, wrote with great bitterness of this episode, which she saw as being of a piece with all of the controversies surrounding “Who is a Jew?”. She was offended by the fact that rules were initially invoked to declare her mother an adulteress, even though she had lacked the most basic ingredient of any criminal act—intent. And she was especially offended that other rules were subsequently invoked in order to exonerate her mother. Indeed, she felt that the price exacted by *halakhah* for legitimating her younger half-sister was her own delegitimization.

The approach of the Israeli rabbinic authorities is exactly the right one to a positivist. They recognized the inequity, and then went to work on the interpretation of the rules. An ambiguity was spotted, namely, the non-Orthodox auspices of the first wedding, and that enabled rabbinic discretion to be used to declare null and void what might well have been a perfectly valid wedding. The rabbis, of course, could also have *declined* to take that route, and could have forbidden the younger daughter to marry in Israel. There was no appeal to principles beyond the rules here—neither to principles affecting the rights of the younger daughter, nor to principles affecting the self-respect of the older daughter or of the mother.

The older daughter, for her part, apparently expected more of a body of religious law. And though she has no particular allegiance to *halakhah* herself, many others who do have such an allegiance (the present writer, for example) would agree with her. From the other side of the great divide, the matter appears very different. Should this problem have to be addressed through manipulation of fact and rule in specific, individual cases? Should legal problems of one party have to be solved by offending the self-respect of other parties? Are there not principles of theology and morals surrounding such cases that can call *halakhic* rules and their effects to account? These are all questions which are directed to *halakhic* positivists, and which require answers.

It was mentioned earlier that the responsa on *agunot* and *mamzerim* traditionally focused on how the rules could be used, and discretion employed, to solve individual cases. I do not want to gainsay the compassion involved in such endeavors, only to suggest that the compassion could have been given better, more far-reaching effect. In striking contrast to these endeavors stands what must be considered one of the greatest achievements of *halakhists* of the Conservative Movement, namely, the virtual elimination, across-the-board, of the problem of *agunot* of recalcitrant husbands. The Movement had, indeed, attempted to resolve the problem in the more familiar way, namely, by ingenious ex-

plotation of the existing rules of marriage and divorce. Rabbi Louis Epstein, in the 1930s, suggested that agents be given power of attorney at the time of marriage to deliver a *get* in the future. Rabbi Saul Lieberman formulated an ante-nuptial agreement for insertion into the *Ketubah*, which granted certain powers over the marriage to the Conservative *bet din*. None of these approaches made overt appeal to any constraint on the *halakhist* beyond the *halakhic* rules themselves, and none of them worked, either. Indeed, none of them could work for any woman whose husband had not appointed an agent or whose rabbi had not used the Lieberman clause. The problem was solved only when, at the urging of Rabbi David Aronson, an overt appeal to principle was finally made. Aronson argued from principles ("Kedat Moshe Veyisrael," Proceedings of The Rabbinical Assembly of America, 1951) that rabbinic courts could not allow themselves to be party to inequity, and that rabbinic courts had a duty not to continue to sanction a marriage in which one or more parties flouted Jewish law or used it to injure another person. Thus, irrespective of what special legal instruments may or may not have been employed in solemnizing the marriage, Aronson's approach called for the *bet din* to invoke its power over marriage to terminate unilaterally any marriage which violated the principles he referred to. *Hafka'at Kiddushin*, this unilateral termination of the marriage by the court, is today the *halakhic* method of last resort in Conservative communities, and it has solved this aspect of the *agunah/mamzerut* dilemma. A positivist can perhaps recognize such a procedure as a valid new rule of procedure after the fact, but a positivist would never have introduced it in the first place. That took a point of view that required *batei din* to use more than discretion, and to respond to the mandates imposed by theological and moral principles. My sense is that the talmudic authorities who reversed biblical rules of testimony in order to free all wives of disappeared husbands were also responding to the mandate of principle, and not merely exercising discretion, as Roth's use of the term "extralegal sources" clearly implies.

One further, and final, example of the significant differences among the approaches being evaluated here. The matter of the testimony of women generally is not today nearly as universally settled among Conservative Jews. In 1974, the Rabbinical Assembly Law Committee split nearly evenly on the issue, and did not publish an account of its deliberations. Since then, practice has varied widely in the Movement. Of course, the reason that the issue was raised in 1974 was that some Conservative rabbis had already, at that time, been allowing women to sign *ketubot* and other legal documents. What was the status of those acts? A positivist approach would have to see them as impermissible and unjustifiable violations of clear rules of testimony long established in *halakhic* literature, and would come to that conclusion no matter what were the motivations of the violator. Indeed, the documents themselves would

be forever legally invalid. Moreover, given the lack of strong consensus on the matter to this day, positivists might still, despite the ambiguous 1974 split vote, see such acts as unjustifiable and forever invalid. However, there is, again, the other perspective here. Assuming that those who allowed the testimony of women did so not out of ignorance, sloth, or spite, but, rather, as a response to principles of human equality and dignity, about which expectations have changed considerably over the centuries, then those same acts should perhaps be seen as acts of "civil disobedience." A civil disobedient does more than just violate the rules. He or she claims that the law, as each understands it, requires the violation of certain rules. If society comes to agree with that assessment, new rules are substituted, and we then tend, in retrospect, to see the original acts as being valid. This is a crucial distinction from the positivist view, which can never validate violations of rules which have already occurred. And so, for those who are troubled by the long-standing *halakhic* disqualification of women from testimony, there is a critical choice of theory. Choosing positivism means waiting until a rabbinic body of sufficient authority decides to exercise its discretion and overturn the rule. Choosing the approach of principle opens up the responsibility-laden option of acting under the mandate of principle, and working for the consensus that will validate those acts as having been legal, after all. My claim is not only that this is the way that Conservative Movement *halakhah* has, in fact, often developed, but, also, that it is, by far, the best way for religious law to go.

V.

The Halakhic Process: A Systemic Analysis is a book well worth reading and studying. Non-experts may find it rough going at points, but even they will find that Rabbi Roth has given them, in this volume, much to stimulate their thinking on critical legal issues. Conservative Jews should know that Roth is also an aggressive proponent of the view that the Orthodox world, by virtually eliminating the rabbinic power of innovation from its *halakhic* practice, has forfeited much of its claim to *halakhic* authenticity. That is an argument that must be made often, and persuasively, if *halakhah* is to regain respect and allegiance from modern Jews in both Israel and the Diaspora.

But, for Roth, Conservative *halakhah* is still positivist *halakhah* and, as such, it falls short of the religious power which it can have. The rabbis may have declined to grant authority to a heavenly voice when it intruded into their legal discussions two millennia ago, but rabbis must never permit God's moral imperatives to lose their authority over the *bet din*. Otherwise, for whom do we labor?

The Conservative View of Halakhah is Non-Traditional

WALTER S. WURZBURGER

PROFESSOR ROTH'S *THE HALAKHIC PROCESS*

offers a most welcome, lucid and systematic account of the basic principles governing a Conservative approach to Halakhah. Notwithstanding his adherence to the "positive-historical" school, he succeeds in avoiding the "genetic fallacy" and eschewing the kind of "historicism" which would fail to distinguish between legal and historical sources of the law. He is also correct in emphasizing that, in the final analysis, the meaning of a halakhic norm is determined by what the latest authorities declare it to be.

But, while the Halakhah proceeds from the premise that "the Halakhah follows the later authorities," Professor Roth's definition of the role, scope and methodology of contemporary Rabbinic authorities will be categorically rejected by traditional halakhists. One is reminded of a famous witticism attributed to a renowned philosopher, who noted: "Everybody agrees with the maxim, 'thou shalt love thy neighbor as thyself'; the only question is 'who is thy neighbor?'" Those who operate within the parameters of the traditional Halakhah as it has evolved over the centuries will be taken aback by the claim that contemporary *poskim* are authorized to set aside halakhic opinions, derived from the Tannaitic interpretations of passages of the Pentateuch, when, on the basis of the findings of modern scholarship, a different interpretation would be more plausible.

This disregard for the authority vested in the Talmudic Sages undermines the entire halakhic process, which was based upon the premise that even an Amora could not dissent from Tannaitic rulings, unless he could adduce some Tannaitic source, if only a minority opinion, in support of his position. Moreover, Maimonides, in his preface to the *Mishneh Torah*, emphasizes that, in contradistinction to the rulings promulgated by the Geonim, the opinions of the Amoraim as recorded in the Babylonian Talmud have been accepted by the entire Jewish people and are, therefore, so universally binding in matters of conduct that they can no longer be modified or revised.

To be sure, in matters of purely theoretical concern, an individual scholar has every right to offer his own independent insights. As Professor David Weiss Halivni has so succinctly put it, "tradition's realm is

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behavior not intellect.” As is well known, classical commentators like Rashi, Rashbam, Ibn Ezra and Bechor Shor, did not hesitate to offer, for purely exegetical purposes, interpretations of Torah passages at variance with those provided in the Talmudic literature. But this in no way prompted them to challenge the Rabbinic rulings which were based upon a completely different understanding of the Biblical texts. For that matter, Maimonides and the Gaon of Vilna at times diverged from the Gemara in their interpretations of the Mishnah. But, in all of these cases, disagreement with Tannaitic or Amoraitic opinion was limited to questions pertaining to the theoretical understanding of a text. When it came to matters involving conduct, the supremacy of the Tannaim and Amoraim was taken for granted.

The reason why rulings of the Amoraim may not be challenged by subsequent authorities has been convincingly formulated by Harav Joseph B. Soloveitchik in his essay, “Two Types of Massorah,” (*Shiurim Lezecher Abba Mori*, z. 1., pp. 320–39). In his view, the Massorah contains two distinct components: 1) transmission and analysis of the teachings of the Oral Torah and 2) generally accepted modes of conduct. Once a particular opinion has become normative for the entire Jewish community, e.g., an opinion of the Amoraim, it becomes an integral part of the “Massorah of conduct” which can no longer be changed on the basis of purely intellectual considerations. According to Rabbi Soloveitchik, this deference to rulings based upon commonly accepted usage is mandated by the Biblical verse, “Ask thy father and he will declare it to thee, thy elders and they will tell thee” (Deut.32:7).

Because so much weight is attached to the practical Massorah, those committed to the traditional Halakhah will, unlike Professor Roth, question the religious qualifications of authorities who sanction driving to the synagogue or permit turning on lights on the Sabbath. By the same token, they will reject the authority of Rabbinic scholars who are unable to accept the doctrine of *Torah min Hashomayim* as it was understood over the centuries until drastic reinterpretations of the doctrine came into vogue at the dawn of the modern era, when the intellectual climate of the age became hostile to any form of belief in the literal Revelation of the Torah.

Professor Roth maintains that the denial of the Mosaic authorship of the Pentateuch does not amount to heresy, because such denial is fully compatible with unconditional acceptance of the Halakhah as the supreme normative authority. It should be borne in mind, however, that, according to the Mishnah cited by Professor Roth, the denial of Resurrection is also regarded as sufficient ground for labeling individuals heretics, notwithstanding the fact that the rejection of this particular eschatological belief need not lead to the repudiation of the authority of the Halakhah. He also agrees that the Rabbinic dictum, “would that they had forgotten me and observed my Torah,” warrants the in-

ference that only compliance with Halakhah but not the nature of one's religious beliefs matters with respect to the personal qualifications of a *Posek*. But it can readily be seen that this is a spurious argument. The very conclusion of the statement, i.e., "for the light contained in it would lead them back to the proper standards," clearly shows that observance of halakhic norms is not the only criterion of piety. Instead, it is for purely pedagogical reasons that such a premium is placed on observance. It was believed that halakhic practice, even without proper commitment, would, in due time, engender the desirable beliefs and values. But this is a far cry from maintaining that this kind of "orthopraxis" qualifies an individual to serve as an authoritative interpreter of the Halakhah as reflecting the Will of God.

But these criticisms are by no means intended to detract from the value of Professor Roth's contribution. Traditionalists will be grateful for his candor and forthrightness. With his succinct description and bold advocacy of the Conservative version of halakhic decision-making he has rendered a real service to the entire Jewish community. He has made it abundantly clear that the Conservative approach radically diverges from what, for over a millenium, was regarded as the function of a *posek* and that the definition of the halakhic process as presented by one of the most eminent representatives of the Conservative movement has little in common with the meaning of Halakhah in the traditional sense of the term.

REVIEWS

The Holocaust at the Center of Christianity

For Righteousness' Sake: Contemporary Moral Philosophies. By A. ROY ECKARDT. Bloomington, IN: Indiana University Press, 1987. 365 pp.

Reviewed by MICHAEL WYSCHOGROD

BOTH JUDAISM and Christianity are historic religions. This does not mean only that both have histories. That would not be saying very much because any human enterprise that is old has a history. Rather, we are asserting that the essential messages of these religions are connected with historic events. Judaism cannot be formulated without reference to the exodus from Egypt and the covenant at Sinai, while Christianity depends on the life, death and resurrection of Jesus of Nazareth. This can be contrasted with something like Euclidean geometry which, though invented or discovered by a particular person at a particular time, is really independent of the accidental association with the person who happened to discover it. Euclidean geometry would have been the same had it been discovered by another person at another time. But Judaism and Christianity are essentially tied to certain specific historic events without which they simply would not be what they are.

But, if this is so, then it must be possible for Judaism and Christianity to be essentially affected by subsequent historic events. For Eckardt, the historic event that is decisive is the holocaust. While

there are stretches in this book in which the holocaust is not mentioned, it is never far from the surface. It is the engine that drives Eckardt's view of the world. The worst possible thing that a Jew or a Christian (probably more a Christian than a Jew) can do is to proceed after the holocaust as if nothing had happened. That would convert these religions into meta-historical essences and, in the case of Christianity, it would repress its contribution to the holocaust by the Christian teaching of contempt for Judaism which prepared the ground for the final solution.

Eckardt proceeds by studying a variety of ways of handling the relationship between faith and the world, the world being more or less synonymous with history. There is the modality of faith against the world (Chap. 3) which "entails the least possible conscious assent to any accomodating of the divine righteousness to human interests and goals. Stress falls instead upon discontinuities between history and faith" (p. 33). Eckardt chooses Paul of Tarsus because "the world with which a given faith may conflict can itself be a religious world. This phenomenon is exemplified in Paul's confrontation with the established Judaism in which he had been reared" (p. 49). Paul's faith in the resurrection meant the end of a world as it had been known and the dawning of a new one. In this new world there was no place for the Torah, and this constituted an irrevocable break with Paul's Jewish world. Such faith is insensitive to the world, Eckardt seems to imply and, therefore, is a false faith.

Unlike Paul, Jesus does not hurl himself against the world of Judaism. Nevertheless, he "was dead wrong about the historical dating or advent of the kingdom of God" (p. 80) and his position is, there-

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fore, also less than a totally successful encounter of faith with history.

Eckardt explores other options. Faith, for the world, is the social gospel where the ethico-political dimension of life assumes a dominant voice in the shaping of faith. Faith above history characterizes isolated groups such as the Shakers and the Hutterian Brothers who shut themselves off from history. Faith transforming history is the way of Islam, in which religion almost totally dominates the political sphere. It is also the message of liberation theology with its emphasis on praxis as a category that Christianity can comfortably borrow from Marxism. These are but some of the ways that Eckardt finds faith and the world and faith and history interacting.

Eckardt's study reaches its climax in the standpoint of history transforming faith. This boils down to the holocaust (Eckardt prefers the term *Shoah*) which must transform faith in a decisive way. But in what way?

"The *Shoah*," he writes (p. 317) "is a final (= existential) refutation of the religious notion that human beings have no right to question God and the ways of God." To reassure the reader, Eckardt quotes Gen. 18:25 ("Shall not the Judge of all the earth do right?") but the biblical support is not necessary. Were there no such verses in the tradition, Eckardt is convinced that, after the holocaust, silence is no longer possible. God must be brought to trial. He has done wrong.

What is the verdict at God's trial, as conducted by Eckardt? The most obvious one that suggests itself is to declare God innocent of all charges on the ground that He does not exist. If this were the verdict, we might add that God is lucky for not existing. Were He to exist, He would be more guilty than

anyone who has ever been on trial. But this is not Eckardt's verdict.

His verdict is that God is, as it were, a *klutz*. The Yiddish expression refers to someone who is all thumbs, awkward, unskilled. A klutz never gets anything right because he is inherently unlucky. But, above all, a klutz is physically unskilled and were he to try hammering a nail into a wall, his thumb would suffer.

Eckardt writes:

God is the ultimate klutz. She would have to go and make herself a world. Now he is stuck with it, and with us, and she is left with little choice but to keep on undergoing the agony of it. . . . And by revealing and making normative for humankind certain apodictic requirements, God opened the way to being held unmercifully to account before the very same requirements—and, of all things, at the hands of that upstart, humankind (p. 324).

Nevertheless, though it is humankind's right to hold God accountable for the unspeakable horrors of the holocaust, Eckardt also advises us to forgive God. "Who is there to take the side of God," he asks (p. 324), "if we do not? Who is there to go to his side, in her aloneness?" Since there seems to be no one else but we, who can say a good word about God, it behooves us to be merciful and forgive God for His transgressions. The tables have been turned: it is humankind who now sits in judgment over God and mercifully absolves Him of His sins. What are we to make of all of this?

I am not able to reject what Eckardt does in this book. How can one reject the work of a Christian theologian who has placed the holocaust at the center of his Christianity and at the center of his outlook on the world? How can one not stand with Eckardt in ask-

ing of God the questions that he asks and in not being satisfied with any of the answers that present themselves.

It is important to note that we are not satisfied with the answers that present themselves and not with the answers that God gives. More than anything else, it is the presence of God that we crave. If He were present, if He spoke—as in the book of Job—answers that are now unacceptable might sound more appealing.

There are thinking Jews who are so wedded to the perfect, unchanging, absolute and eternal God of the philosophers that talk of a God who is a klutz is simply blasphemy and, probably worse, outright silly. I do not count myself among them. The God whom I meet in the Bible and, to a large extent, in rabbinic literature is a God with a personality, and a psychological portrait of Him is, therefore, possible. I doubt that I would have chosen the expression *klutz* to describe Him, but that is not the point. The expression cap-

tures something that is there, even if it does not tell the whole story.

What worries me is the impression I get that Eckardt does not seem to realize that Judaism and Christianity may not be sustainable as the products of holocaust theology. I have long believed that the holocaust, fully faced, fully experienced without any degree of evasion, will destroy us all or make killers of us all. The inauthenticity that creeps even into the work of Elie Wiesel, more as of late than at the beginning, is, I think, the result of this realization. Without inauthenticity, without evasion, there is only murder or suicide and no literary career. Under those circumstances, who can blame Wiesel for his inauthenticity?

Eckardt's work is an extraordinary response by a Christian for whom the holocaust has moved from the domain of Jewish-Christian dialogue into the center of his thought. Whether thought, particularly religious thought, can survive such a center is the question.

A Clarification of Terminology

TO THE EDITOR:

The “denominational” adjectives in modern Judaism are certainly confusing, and The First Reader in the Winter 1989 issue of JUDAISM surely meant well with his attempt to clarify the situation. But when he says, on page 7, that “in pre-Nazi Germany, Reform was ideologically, but not organizationally, close to American Conservative Judaism, while the religious left in German Jewry called itself ‘Liberal,’ though it was Zionist,” he, alas, added to, rather than diminished, the confusion.

When, in the 19th century, attempts were first made in German Judaism to modernize the traditional faith, those engaged in that enterprise were known as “Reformers.” At that time, there were radical Reformers and moderate Reformers. But by the time we get to the 20th century, the name of Reform was preempted by the most radical wing, i.e., by the *Reformgemeinde* in Berlin, the congregation which held its main service of the week on Sunday, worshipped with uncovered heads and, in the 1930s, managed to produce a prayerbook of altogether 64 pages to provide the liturgy (in German, with but a few Hebrew sentences) *for the entire year*,—including the three Pilgrim Festivals, two days (*sic*) of Rosh Hashanah, Yom Kippur, Hanukkah, and Confirmation.

The majority of German Jews, on the other hand, described themselves as “Liberal,” worshipped in synagogues with an organ and a somewhat abbreviated traditional liturgy which was recited primarily in Hebrew, and could be said to correspond, more or less, to centrist and left-of-center of the Conservative movement in the United States. German Liberal rabbis, upon emigration, often found employment in American Conservative synagogues.

The prayerbooks of German Liberal Judaism, culminating in the *Ein-*

heitsgebetbuch (“Union Prayer Book”) of 1929, were, basically, abbreviated *sid-durim*, and the unsuspecting American student, not looking too closely, is often liable to regard them as Conservative, if not, indeed, Orthodox prayerbooks. But the student looking more closely will soon discover that those Liberal prayerbooks not only do not include any petitions for the restoration of the sacrificial cult, but they also omit petitions for the Return to Zion and the Ingathering of the Exiles,—thereby differing significantly from their American counterparts.

And this brings us to the question of Zionism. While there were exceptions, of course, most German Liberal Jews, both rabbis and laity, before the rise of National Socialism were *not* Zionists. In fact, in communal elections for seats on the boards of Jewish communities, the Zionists and the Liberal Jews campaigned as opposing parties.

If that was true of the Liberal Jews of Germany, it was all the more true of the Reform Jews, whose anti-Zionism was an even more pronounced part of their religious commitment. Here, too, there was an exception which proves the rule: Rabbi Gustav Gottheil (1827–1903), who started out as an assistant to Rabbi Samuel Holdheim, the most radical German Reform rabbi of the 19th century, moved to Manchester, England, ended up as the rabbi of Temple Emanu-El of New York City, and was one of the founders of the Federation of American Zionists! But that can hardly be said to have been typical of the rabbis and the lay members of the Berlin *Reformgemeinde*.

In England, and that was seen correctly by the First Reader, the more traditional wing of modern Judaism is called “Reform,” while the more radical wing is known as “Liberal.” Judging by the worship services, it may, indeed, be said that British Reform Judaism today is somewhat akin to American Conservative Judaism, and many American Jewish tourists of Conservative leanings feel quite at

home when they attend Reform services in England.

Yet it has not always been thus. British Reform Judaism has its own rather unique history, for it started out, in the 1840s, as a kind of quasi-Karaite movement,—with an almost fundamentalist attachment to the Bible and a rejection of the Rabbinic tradition. British Reform Judaism overcame this peculiar stance at the beginning of this century. But someone reviewing today's liturgy of British Reform Judaism should not only compare it with the liturgy of American Conservative Judaism, but also with the successive editions of the prayerbooks of British Reform Judaism. While Professor Elliot N. Dorff is fully justified in his criticisms of the new British Reform prayerbooks, if those prayerbooks are seen against the background of earlier British Reform prayerbooks, those who, like the undersigned, have a pre-

dilection for the role of Tradition in Jewish worship, cannot help but be impressed by the current restoration of much of that Tradition to the pages of British Reform Jewish liturgy.

Incidentally, the prayer, "Our God in Heaven," to which Professor Dorff refers on page 119, does not owe its inclusion in the British Reform prayerbook to the "new sensitivity to masculine and feminine language." That prayer has always been a part of the Spanish and Portuguese Rite. British Reform Judaism was founded by eighteen Sepharadim and six Ashkenazim, and its liturgy, in earlier editions, has often favored the Sepharadi liturgical tradition. *Eloheinu Shebasha-mayim* has been included in the Atonement Services of British Reform Judaism since the 1840s!

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